

CITY & COUNTY OF DENVER
PUBLIC WORKS DEPARTMENT

TRANSIT AMENITY PROGRAM (TAP)

RULES & REGULATIONS FOR THE ISSUANCE OF
REVOCABLE PERMITS FOR TRANSIT AMENITIES
AT BUS STOPS IN THE PUBLIC RIGHT-OF-WAY

(REVISED 2011)

I. PURPOSE

The purpose of this document is to establish the procedure for the issuance of Public Property Occupancy Revocable Permits for the placement of transit amenities at designated bus stop sites within the public Right-of-Way (ROW) as authorized by the Denver Revised Municipal Code, Chapter 49, Article XIV, Division 3.

II. APPLICATION FOR NEW PERMITS

A. NEW TRANSIT AMENITIES IN THE PUBLIC RIGHT-OF-WAY

Any person/company may apply for permission from the Manager of Public Works, via a written letter to the Public Works Permit Office (PWPO), to place a transit amenity at a RTD bus stop location in Denver's public ROW. The letter shall contain, at a minimum, the following information:

- A. A list of all locations (by street address as assigned by the City Assessor's Office) for which an application is being made. In addition to the street address, the RTD stop number shall be included for each location; and
- B. Pursuant to the Denver Revised Municipal Code, Chapter 29, Article XIV, Division 1, a Certificate of Insurance (CI) must be submitted to PWPO that provides coverage for all of the transit amenities proposed to be placed in the public ROW for the duration of the permit. Specific coverage shall include, but not be limited to:
 - a) The City & County of Denver shall be included as an Additional Insured as follows: *Additional Insured: The City & County of Denver, its Officers, Officials and Employees, and The Colorado Department of Transportation with its Officers, Officials and Employees., and*

- b) In the cancellation section of the CI, the words "Endeavor to" shall be deleted so that this clause reads: "...the issuing company shall mail thirty (30) days written notice to the certificate holder..."; and
- C. Liability coverage for property damage in amount not less than \$1,000,000 and personal liability injury coverage in amount not less than \$2,000,000 covering damages, with a term of at least 12 months including all of the duration of the permit; and
- D. If a location is within a Business Improvement District (BID), a written letter from the BID shall be included and shall provide approval from the BID for the location's proposed use and design; and
- E. A description of the proposed style and design of the amenities proposed.

Applications will only be accepted from persons/companies who are in full compliance with all prior certified or registered notifications, and who meet the insurance requirements.

Only a single application will be considered by Public Works for any one location at a time. Applications are accepted on a first-come first-served basis.

After the applicant has submitted a set of locations for consideration, each location will be individually reviewed by Denver Public Works per the criteria listed in the Permit Application Review Process (see below).

B. NEW CITY STANDARD BENCHES IN THE PUBLIC RIGHT-OF-WAY

Any person/company may apply for permission from the Manager of Public Works to place a City standard bench on any public sidewalk in the public Right-of-Way. The applicant shall contact PWPO to obtain a Street Furniture Permit. This permit is not considered part of the Transit Amenity Program.

III. PERMIT APPLICATION REVIEW PROCESS

A. REVIEW PROCESS BY DENVER PUBLIC WORKS

Upon the acceptance of an application to place an amenity at a bus stop, the requested locations will be reviewed by Denver Public Works for viability and compatibility of the proposed use(s). The applicant will be notified of all accepted bus stop locations, and then shall submit a Site Drawing of each site. Denver Public Works shall respond to the applicant within ten (10) business days as to the status of each requested location (approved, rejected or if additional information is needed).

1. Site Drawing Requirements

The Site Drawing shall contain enough information to show the exact location of all existing and proposed structures. The drawing shall accurately include, at a minimum, all of the following information for each bus stop location:

- a) A north arrow.
- b) The street name, configuration and lanes where the bus stop is located. This shall include at a minimum: travel lanes, turn lanes, acceleration/deceleration lanes, medians, curbs, sidewalks, curb ramps, driveways and tree lawn areas.
- c) The same information listed in b) for the nearest cross street from where the stop is located.
- d) Any obstacles in the vicinity of the bus stop. This shall include at a minimum: light poles, traffic signal poles, traffic signs, trees, utility cabinets/boxes/valves/covers, buildings, the red RTD bus stop sign (with the stop number labeled), newspaper/magazine boxes and any existing benches, furniture or structures.
- e) Dimensions to all proposed structures from the curb flowline, front/back of existing sidewalk and nearest intersection corner.

2. Location Review Criteria

The criteria for each reviewed locations includes, but is not limited to, the following:

- a) There shall be adequate space in the public ROW to place the proposed structure(s).
- b) Advertising structures shall not be located within a residential zone district, except at bus stops located on collector or arterial roads in a residential area.
- c) If the proposed location is on a state highway, the structure shall be either a City standard bench or an advertising shelter. Additional review and/or permitting may be required by the Colorado Department of Transportation (CDOT).
- d) If the proposed location is within a Business Improvement District (BID) or a maintenance district, the applicant shall obtain written permission from the district which conveys the district's approval of the use, location and appearance of the proposed structure.
- e) The location shall not be under consideration by another applicant, nor previously rejected for a similar transit amenity proposed by another applicant.
- f) No advertising structures shall be allowed on a designated City Parkways, as defined by the Denver Parks and Recreation

Department, though exceptions may be made by the Manager of Public Works on a case-by-case basis.

- g) The applicant shall obtain from the adjacent property owner(s) or lessee(s) written documentation that the adjacent property owner(s) or lessee(s) have received notice of the proposed use of the public ROW next to their property.
- h) The location shall not be within the boundary of Denver International Airport.
- i) If a location is within a Historic District or adjacent to a Designated Landmark, then the applicant may be required to submit an application to the Landmark Commission.
- j) There may be other requirements set forth by the Manager of Public Works.

The Manager of Public Works shall resolve any disputes arising from an application.

B. AFTER PERMIT APPROVAL

Upon approval of the Site Drawings, PWPO will issue a Public Property Occupancy Revocable Permit for the transit amenity. The permit may be written for a single year, or for up to a maximum of a five-year term, at the option of the permittee.

The permittee shall pick-up and pay for their permits at PWPO within five (5) business days. Failure to meet this requirement shall result in the forfeiture of the permit.

See the Permit Fees section below for cost information regarding the Public Property Occupancy Revocable Permit.

Once in possession of the permit, the applicant shall contact Right-of-Way Services to obtain a Revocable Street Occupancy Permit for the construction and installation of the transit amenity in the public ROW. Permit fees will be waived.

IV. PERMIT EXPIRATION & RENEWAL

A. BUS SHELTERS

The Public Property Occupancy Revocable Permits for all transit amenities shall expire on August 1 of the applicable year. Renewing permits may be written for

a single year, or for multiple years up to a maximum of a five-year term, at the option of the permittee.

To apply for permit renewal, the permit holder shall make a request to PWPO, via a written letter, by 5:00 PM on July 1 (or the next business day) for the upcoming permit year. This letter shall contain, at a minimum, the following information:

- a) a list, provided both written and in Microsoft® Excel spreadsheet format, of all location addresses (with corresponding RTD stop numbers) for which the permit holder is seeking renewal; and
- b) a Certificate of Insurance (CI) as described above, covering the upcoming permit term.

No renewal permits are required for City standard benches that are associated with a transit amenity permit.

The renewal application shall not be accepted unless the application is complete.

Denver Public Works will review the list of submitted renewal locations for accuracy and completeness. A response will be given to the permittee within ten (10) business days in regard to the acceptance of the list. Denver Public Works will direct PWPO to issue the renewed permits and contact the permittee for pick-up and payment (see below for Permit Fees). Renewed permits must be paid before August 1.

A permit is not considered renewed until the renewal fees have been paid.

B. EXISTING ADVERTISING BENCHES

As of January 1, 2008, all existing permits for advertising benches will not be renewed by the Manager of Public Works.

C. EXISTING ADVERTISING BUS KIOSKS

As of January 1, 2012, permit applications for a new advertising kiosk will not be accepted by the Manager of Public Works. Existing kiosk permits will continue to be renewed on an annual basis.

In 2011-2012, Public Works personnel will review the locations of all kiosk permits within the City. Each site will be evaluated for the removal of the kiosk and its replacement by a bus shelter. If it is determined that a bus stop site can be upgraded, then the bus stop will be added to a replacement schedule. The kiosk permit holder shall have the first right to replace their kiosk until January 1, 2016. After this date, any eligible advertising company may apply to replace a

kiosk with a shelter at any location on the replacement schedule. No permit fees will be refunded to the kiosk permit holder. The permit fees for new shelters that replace a kiosk will be waived for three years.

If it is determined that an existing kiosk location cannot be replaced by a shelter, then the kiosk will be allowed to remain in place (assuming that annual renewal permit fees continue to be paid). For these grandfathered kiosks, additional services for the public at the bus stop will be required as determined by Denver Public Works on a case-by-case basis.

D. PERMITS NOT RENEWED, REVOKED PERMITS

Any Public Property Occupancy Revocable Permit that is not renewed before its expiration deadline shall be considered revoked. All advertising structures listed on the permit shall be removed by the permittee within five (5) business days. After five (5) business days, Denver Public Works shall remove all remaining unpermitted advertising structures from the ROW. Removed items will be discarded and not returned to the permittee. Denver Public Works may charge a fee of \$500 to the permittee for this service for each structure removed.

V. PERMIT FEES

A. SINGLE YEAR PERMIT FEES

Existing permits for kiosks and shelters expire annually on August 1.

Single Year Permit Fees for Kiosks and Shelters (for New Permits and Renewal Fees)

| Permit Year | Permit Cost |
|-------------|-------------|
| 2011-2 | \$200 |
| 2012-3 | \$220 |
| 2013-4 | \$240 |
| 2014-5 | \$260 |
| 2015-6 | \$280 |
| 2016-7 | \$300 |
| 2017-8 | \$320 |
| 2018-9 | \$340 |
| 2019-20 | \$360 |
| 2020-1 | \$380 |
| 2021-2 | \$400 |

EXAMPLE:

Company A paid for 10 shelter permit renewals in July 2011 for a total cost of \$2,000 (10 permits at \$200 each). These permits expire on August 1, 2012 and must be renewed at a new cost of \$2,200 (10 permits at \$220 each).

A recycling kiosk is a short kiosk that sits immediately next to a City standard bus bench, is approximately the same height as the bench, has a single advertising face, and provides interior trash and recycling receptacles.

**Single Year Permit Fees for Recycling Kiosks
(for New Permits and Renewal Fees)**

| Permit Year | Permit Cost |
|--------------------|--------------------|
| 2011-2 | \$50 |
| 2012-3 | \$55 |
| 2013-4 | \$60 |
| 2014-5 | \$65 |
| 2015-6 | \$70 |
| 2016-7 | \$75 |
| 2017-8 | \$80 |
| 2018-9 | \$85 |
| 2019-20 | \$90 |
| 2020-1 | \$95 |
| 2021-2 | \$100 |

EXAMPLE:

Company B paid for 10 recycling kiosk permits in July 2011 for a total cost of \$500 (10 permits at \$50 each). These permits expire on August 1, 2012 and must be renewed at a new cost of \$550 (10 permits at \$55 each).

B. MULTIPLE YEAR PERMIT FEES

Any new or existing transit amenity may be permitted by a multiple year permit at the option of the permit holder. Permits are offered for up to a maximum of a five year term, and will not be written to extend past July 31, 2022.

**Multiple Year Permit Fees for Kiosks and Shelters
(for New Permits and Renewal Fees)**

| Permit Year | Sum of 5-Year Cost | Discounted Cost | Permit Term | Permit Expires |
|-------------|--------------------|-----------------|-------------|----------------|
| 2012 | \$1,300 | \$1,170 | 5 years | 07/31/17 |
| 2013 | \$1,400 | \$1,260 | 5 years | 07/31/18 |
| 2014 | \$1,500 | \$1,350 | 5 years | 07/31/19 |
| 2015 | \$1,600 | \$1,440 | 5 years | 07/31/20 |
| 2016 | \$1,700 | \$1,530 | 5 years | 07/31/21 |
| 2017 | \$1,800 | \$1,620 | 5 years | 07/31/22 |
| 2018 | \$1,480 | \$1,332 | 4 years | 07/31/22 |
| 2019 | \$1,140 | \$1,026 | 3 years | 07/31/22 |
| 2020 | \$780 | \$702 | 2 years | 07/31/22 |

**Multiple Year Permit Fees for Recycling Kiosks
(for New Permits and Renewal Fees)**

| Permit Year | Sum of 5-Year Cost | Discounted Cost | Permit Term | Permit Expires |
|-------------|--------------------|-----------------|-------------|----------------|
| 2012 | \$325 | \$292.50 | 5 years | 07/31/17 |
| 2013 | \$350 | \$315 | 5 years | 07/31/18 |
| 2014 | \$375 | \$337.50 | 5 years | 07/31/19 |
| 2015 | \$400 | \$360 | 5 years | 07/31/20 |
| 2016 | \$425 | \$382.50 | 5 years | 07/31/21 |
| 2017 | \$450 | \$405 | 5 years | 07/31/22 |
| 2018 | \$370 | \$333 | 4 years | 07/31/22 |
| 2019 | \$285 | \$256.50 | 3 years | 07/31/22 |
| 2020 | \$195 | \$175.50 | 2 years | 07/31/22 |

EXAMPLE:

Company A purchases a 5-year permit for a shelter in July 2012. The sum of the costs for the 5-year term (from Single Year Fee Table) is:

$$\$220 + \$240 + \$260 + \$280 + \$300 = \$1,300$$

The 10% discount for this permit would be \$130.

The cost of this permit would be:

$$\$1,300 - \$130 = \$1,170$$

and would expire on August 1, 2017.

VI. LIMITATIONS

A. SITING OF BENCHES AND SHELTERS

All transit amenities shall meet the following requirements:

- 1) Structures shall not be placed closer than three (3) feet from the back of curb or edge of pavement on residential/local streets. Structures shall not be placed closer than five (5) feet from the back of curb or edge of pavement on collector or arterial streets.
- 2) Structures shall not be placed so that less than five (5) feet of unobstructed sidewalk is available for pedestrian traffic to navigate around the structure. This five (5) foot width may be located in front or behind of the structure, but must be within the public ROW and match the existing character of the block. A width of more than five (5) feet may be required by the Manager of Public Works.
- 3) All structures shall be securely affixed to a concrete pad per City standards. If a location does not have a pad, or if the existing pad is not adequate, then the permittee shall improve or construct a pad that will be sufficient for the transit amenities on the approved Site Drawing.
- 4) Concrete pad improvements shall include at a minimum:
 - a. the concrete pad (constructed per City standards) with a minimum length of 10 feet;
 - b. provide a five (5) foot wide access walk to the back-of-curb;
 - c. a minimum of five (5) feet clearance between the RTD bus stop sign and the nearest structure for wheelchair loading/unloading/access; and
 - d. curb ramps (if applicable).
- 5) Structures shall not account for more than twenty-five (25) feet of linear street frontage.
- 6) Structures shall not block vehicular sight distances at the nearest intersection, or from any nearby driveways and alley access ramps.
- 7) Structures shall not block line-of-sight between the seated bus stop users and the approaching buses.
- 8) All structures shall be placed parallel with the flow of traffic. City standard benches may be placed in alternate alignments only with the approval of the Manager of Public Works.
- 9) Benches shall not be located in such a manner that impedes the loading, unloading, access or other pedestrian movements of bus passengers, wheelchair users or sidewalk traffic.
- 10) Structures located at a bus stop that is not serviced by a public-accessible sidewalk shall be provided with a sidewalk, in the public ROW, by the

permittee. The new sidewalk shall be built in accordance with City standards.

- 11) Electrical accommodations must be arranged by the permittee. Any improper or unsafe electrical systems will result in the revocation of the permit.

B. LABELS ON STRUCTURES

All permitted structures shall bear the company name of the permit holder and a phone number in a manner that is easily viewed. If there is sufficient space on the structure, the company logo may also be displayed.

All structures shall bear the TAP FIX-IT hotline number for repairs. The phone number is (720)91-FIX-IT. Information reported to this hotline about damaged amenities, or those in need of service/maintenance, will be forwarded to the permit holder by Denver Public Works. The permittee shall have a maximum of five (5) days to perform any required services, replacements or repairs to the structure.

VII. DESIGN

A. NON-ADVERTISING BENCH ("CITY STANDARD BENCH")

The City standard bench style shall be Manchester, Hunter Green (BRP# MC101-72-MF), or similar. Alternate designs may be approved by the Manager of Public Works prior to the issuance of a permit.

Advertising devices shall not be allowed on a City standard bench.

All benches shall be inspected, cleaned, serviced and repaired at least once per month by the permittee. If once per month is not sufficient for the location, the permittee shall inspect, clean and repair as frequently as necessary as required by the Manager of Public Works.

B. ADVERTISING SHELTERS/KIOSKS

Bus shelter design shall be included in the initial application made to PWPO. The design shall be approved by the Manager of Public Works prior to the issuance of a permit.

Advertising panels shall not exceed 47"x67" in size. A bus shelter or kiosk may have up to two advertising panels. A third advertising panel may be allowed by

the Manager of Public Works for bus shelters on a case-by-case basis. An advertising panel attached to the back screen of a bus shelter may be allowed by the Manager of Public Works on a case-by-case basis.

Any panel not facing towards the street shall not be allowed to generate revenue for the permittee. A current RTD bus schedule or Public Service Advertisement (PSA) shall be displayed in these panels.

All shelters and kiosks shall be inspected, cleaned and repaired at least once per week by the permittee. If once per week is not sufficient for the location, the permittee shall inspect, clean and repair as frequently as necessary as required by the Manager of Public Works.

C. TRASH RECEPTACLES

1. Placement with Shelters

Trash receptacles attached to bus shelters shall be an included design element in the initial application to PWPO. The trash receptacle shall either be permanently attached to the shelter or separately affixed to the concrete pad in an immediately nearby, accessible location (but not as to impede pedestrian movements).

2. Placement with Benches or Kiosks

Trash receptacles placed with benches or kiosks shall be free-standing and separately affixed to the concrete pad immediately next to the bench (but not as to impede pedestrian movements).

D. RECYCLING KIOSKS

A recycling kiosk is a short kiosk that sits immediately next to a City standard bus bench, is approximately the same height as the bench, has a single advertising face, and provides interior trash and recycling receptacles.

The advertising panel shall not exceed 47"x67" in size.

Recycling kiosks shall be inspected, cleaned and repaired at least once per week by the permittee. If once per week is not sufficient for the location, the permittee shall inspect, clean and repair as frequently as necessary as required by the Manager of Public Works.

E. GENERAL GUIDELINES FOR PILOTING NEW TRANSIT AMENITIES

All TAP-participating companies are encouraged to suggest new products/amenities/technologies for consideration to be included in the TAP program. New items should promote the appeal, safety and use of bus stops in Denver, and be useful to the public in one manner or another.

Each new amenity will be considered separately by Public Works. If it is determined by Denver Public Works that a product/amenity is useful to the public and viable within the TAP program, then a limited number of pilot permits will be issued to the company who suggested the amenity. The number of permits will depend on the amenity and be determined by Public Works, who will also establish appropriate permit pricing. These permits will be monitored for reaction by the public and City Council during a trial period of one year.

After the trial period is over, the amenity will be reviewed by Denver Public Works. If given final approval for inclusion into the TAP program, then the amenity will be made available to all TAP-participating companies. Amenities that do not receive final approval will not be included in the TAP program and must be removed from the public ROW at the sole expense of the permit holder.

VIII. BENCH CREDITS

A. ACCRUAL OF NEW BENCH NOTES

All TAP permit holders shall be assigned the responsibility of bench notes on an annual basis. The number of bench notes assigned will depend upon how many TAP permits the company holds on January 1. The permit total shall include all TAP-related permits, such as kiosks and shelters. Permits issued for any pilot program amenities (such as recycling kiosks) shall count towards the total permit number for a particular company.

For every four permits and fraction thereof, the advertising company shall be assigned one bench note. New permits issued in a calendar year after January 1 will not affect the number of bench notes assigned until the next January 1.

EXAMPLE:

Company C has 23 TAP permits on January 1, and they are assessed 6 bench notes for the year ($23 \div 4 = 6$, rounded up). Later in the same year, Company C obtains 6 new TAP permits. However, they are not assigned more bench notes for these until the next calendar year begins, at which time they would be assessed 8 new bench notes ($29 \div 4 = 8$, rounded up).

Bench notes are redeemed to the City upon demand, but shall expire on December 31 annually. **Bench notes do not carry over from one year to the next.** In the example above, if Company C installed 6 new bus stop benches that year, then they would have fulfilled their requirements to the City and will not be asked for benches until the next calendar year. If Company C is asked to install 3 benches that year, then the remaining 3 bench notes would expire on December 31 and not be added to the total assessed in the next calendar year.

The total number of bench notes used per year will depend upon the number of bus stop bench requests received by Denver Public Works from the public and City Council. Bench notes shall be requested by Denver Public Works in a fair and equal manner, as determined by the Manager of Public Works.

Bench notes may be redeemed in the following manner:

1. Installing and maintaining a new bench at a location determined by Denver Public Works.
2. Installing, replacing or significantly expanding a concrete pad where a new bench is being installed at a location determined by Denver Public Works.
3. Installing and servicing (weekly) a bolt-down metal trash receptacle, with a concrete pad, at a location determined by Denver Public Works.
4. Installing two inverted-U bike racks, with a concrete pad, at a location determined by Denver Public Works.
5. Other manners as determined by the Manager of Public Works.

Each TAP-participating company is responsible for installing concrete pads for new shelters/amenities, and these pads are not eligible for the redeeming of a bench note.

B. RESOLUTION OF OLD BENCH CREDITS

TAP-participating companies who owe the City bench credits under the former rules must repay/use those bench credits before any new bench notes (from any company) can be used. The old bench credits can be redeemed under the new rules above, in addition to these methods below:

1. Install a new shelter at a location determined by Denver Public Works, to be owned, permitted and maintained in the company's inventory as any other structure. 20 bench credits redeemed for this action for each shelter (with concrete pad) installed.
2. "Buy back" old bench credits to the City for \$750 each.
3. Deliver a bench to Denver Public Works at request, for the City's use: one credit per bench.
4. Other manners as determined by the Manager of Public Works.

IX. BUS STOP REMOVAL, RELOCATION

The Regional Transportation District (RTD) has the authority to change, adjust, relocate or eliminate bus routes and bus stop locations within the City & County of Denver.

In the event a bus stop is discontinued for service by RTD, the permittee shall have thirty (30) days to remove any amenity at the location. Any City standard benches must be relocated to a new stop to be determined by Denver Public Works. Failure by the permittee to comply within the time period may result in the removal by the City of the structures by Denver Public Works. Removed structures will be discarded and not returned to the permittee. Denver Public Works may charge the permittee a fee of \$500 for this service for each structure removed.

In the event a bus stop is relocated by RTD, the permittee shall have thirty (30) days to have first rights to apply for the new bus stop location.

X. PROGRAM EXIT STRATEGY

In the event a permittee ceases their business operations within the City & County of Denver, they may liquidate their interests to any other permittee company that is willing to take over the permit commitments. Any property not transferred to another company by the day official business operations cease shall become forfeit to the Manager of Public Works. The Manager will auction the property, with permit conditions attached, per Section 49-250(a). Surplus property that is not sold at auction will be removed from the public Right-of-Way and discarded.