

# Downtown Idea Exchange



## Streetscape

### Regulate newsracks to improve downtown appearance, access without going to court

Kathy Kahng, principal of CityRax, says she's often asked which cities have good ordinances for regulating newspaper vending racks. Her answer is simple — none.

"There really isn't one city I can point to that has good regulations," says Kahng, whose company specializes in the development and implementation of innovative newspaper vending rack programs in the public space.

An informal poll of downtown

managers shows that to be true — most are either seeking good regulations or aren't sure theirs is a good example.

Reagan Yarbrough, zoning director for the city of Pompano Beach, FL (pop. 78,000), says that if he had written the city's ordinance, he would have made it a lot less complex. The city put a newsrack ordinance in place about three years ago after uncontrolled placement of racks of various

*(Continued on page 2)*

## Case Study

### Making the case for a website

While it can sometimes be hard to justify the initial investment, many downtowns are finding that a first-rate website pays for itself in intangibles.

"Many nonprofits treat their websites as an afterthought," says Stephen Silke, marketing manager for the Gaslamp Quarter Association (GQA), a nonprofit merchant association in downtown San Diego (pop. 1.2 million). GQA has found that, for a relatively small amount of money, the Gaslamp Quarter, a 16-and-a-half-block historic district, is

marketed in an extremely effective way through its website, which has been online since 1999. The site uses pictures to brand the Gaslamp Quarter as a destination. Silke says the site also cuts staff time in answering repetitive questions and allows feedback through email to be handled quickly and efficiently.

"With the Web being so popular and our board of directors looking for effective yet inexpensive ways to get information about our district to the largest possible audience, we

*(Continued on page 5)*

### Testimony offers antisprawl strategies

Zoning is a key factor in sprawl, according to testimony heard by the Michigan Land Use Leadership Council, a committee formed to fight sprawl in the state. In testimony given in April, American Planning Association fellow Stuart Meck told the committee that zoning that requires large lots creates sprawl.

Another prime factor is permitting septic tanks. According to the Associated Press, Meck told the committee that reducing lot sizes and requiring new construction to hook into a sewer system — thereby limiting geographic scope — should limit sprawl. According to Meck, some 20 states are grappling with sprawl issues and have formed government commissions to deal with it.

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**Regulating newsracks** — *continued from page 1*

sizes, shapes, and colors overran the downtown. “Our ordinance is probably overly complicated,” Yarbrough says. “It was pretty time intensive to get all the newsracks into compliance.”

A newsrack program simplifies one substantial aspect of street clutter by organizing into uniform multibox structures the distribution of newspapers, magazines, and other publications traditionally vended on the thoroughfare in a hodgepodge of individual free-standing bins, Kahng says.

**Public safety issues**

Besides the aesthetics issue in Pompano Beach, Yarbrough says some newsracks blocked traffic visibility at intersections and driveways, as well as pedestrian access to sidewalks — particularly for handicapped people. “The purpose is fairly simple — to clean up the intersections,” says Yarbrough.

The Pompano Beach ordinance lists extensive technical details in terms of placement and also liability. Each vendor has to provide proof of insurance and indemnify the city, and the regulations require modular newsracks in certain parts of the city. However, modulares are only required on public property. On private property, the traditional boxes are still allowed, which detracts from the overall aesthetic purpose. Yarbrough wishes the ordinance provided for modulares everywhere within the public sight line.

**Enforcement issues**

Regulations passed in Atlanta (pop. 416,000) prior to the 1996 Olympics mandate vending boxes

of a certain size and color, but an explosion of free papers and pennysaver-type flyers has led to so many street boxes that property owners feel the boxes on the sidewalks clutter and detract from their property. One survey indicated that perhaps as much as 82 percent of all vending boxes on downtown sidewalks violated regulations on appearance and size.

“Since we started looking into the issue, we have been approached by groups representing visually and physically impaired citizens on the problems the rampant box placements are causing,” says Richard T. Reinhard, president of Central Atlanta Progress and Atlanta Downtown Improvement District. In January, the groups convinced the Atlanta City Council to pass another ordinance allowing property owners to remove boxes which aren’t up to code. Since passage of the ordinance, illegal vending boxes have been reduced 26 percent — with that figure expected to rise as property owners learn of their new right to boot the boxes.

**Dealing with the First Amendment**

The issues that go into newsrack regulation are many, but one of the most important ones is to avoid going to court. “I get calls all the time from people who see a modular they like and want to install it,” Kahng says. “Choosing a modular unit is really the last thing people should worry about.”

Many publishers have challenged regulation of their boxes on First Amendment free speech grounds, and there is much legal precedent in that area. Kahng says,

## Writing a code for downtown newsracks

In the interest of simplicity, Kathy Kahng of CityRax suggests implementing newsrack ordinances that mirror the regulation of other sorts of street furniture, such as phone booths and bus shelters.

In Pompano Beach, FL, city engineers have the task of making sure that all requested newsrack locations comply with about three pages of site regulations. The regulations also established certain “newsrack enhancement areas” — designated locations within the city where individual newsracks are not permitted on rights-of-way, and modular newsracks shall be bolted or securely fastened either to pedestrian sidewalks or concrete pads.

Here is an excerpt from the Pompano Beach Code of Ordinances, Chapter 100: Streets and Sidewalks: 100.40 Movable Fixtures in the Public Right-of-Way, regulating newsboxes:

The regulation of the placement, maintenance, weight, size, and height of newsracks in the public rights-of-way will:

- (a) Provide access for the use and maintenance of poles, posts, traffic signals, hydrants, mailboxes, sidewalks, pedestrian walkways, and other facilities;
- (b) Provide for the elimination of sight line obstructions;
- (c) Reduce unnecessary exposure of the public to personal injury or property damages; and
- (d) Treat all newspapers equally regardless of their size, content, circulation, or frequency of publication.

Location and Placement of Movable Fixtures. Any movable fixture which rests in whole or in part upon, or on any portion of a public right-of-way or which projects onto, into, or over any part of a public right-of-way shall be located in accordance with the provisions of this section:

- (1) No movable fixture shall be used or maintained which projects onto, into, or over any part of the roadway, bikeway, or on-street parking area of a public street.
- (2) No movable fixture shall be chained to a tree, to landscaping material, to a mailbox, or similar facility.
- (3) Movable fixtures shall not be physically attached, chained, or bolted to any drainage structure, inlet pipe, or other physical object meant to carry water for drainage purposes; to

a utility pole; to or placed upon any manhole cover; to or placed upon any water meter and/or water meter box; to traffic signals or traffic signs; to a bench; or to any other city-owned fixture.

- (4) No movable fixture shall be placed, installed, used, or maintained:
  - (a) On any sidewalk or pedestrian path on a pedestrian priority corridor or pedestrian intensive area, where such placement will result in less than five feet of clear area for pedestrian usage, measured from the face of the curb inward.
  - (b) On any sidewalk with a curb other than those in pedestrian priority corridors or pedestrian intensive areas with not less than four feet remaining open as a clear zone. If there is no curb, a six-foot clear zone shall be maintained. In all cases, the clear zone is to be measured from face of curb or edge of roadway where no curb exists.
  - (c) Within 10 feet of any marked crosswalk.
  - (d) Within five feet of a pedestrian crossing traffic signal control button.
  - (e) Within a sight triangle, unless the newsrack does not exceed 30 inches in height.
  - (f) Within 10 feet of any fire hydrant, fire call box, police call box or any other emergency facility.
  - (g) Within 10 feet of any driveway.
  - (h) Within three feet ahead or to the rear of any sign marking a designated bus stop, trolley stop, or taxi stand.
  - (i) On any public area improved with sod, shrubs, vegetation, flowers, trees, or other landscaping unless a concrete pad is in place for this usage.
  - (j) Within 10 feet of any disability access ramp.
  - (k) Within the median of a divided roadway.
  - (l) Within 10 feet of a pedestrian entrance or vehicular driveway of a single-family house, public or private school, or a house of worship.
  - (m) Within five feet of the outer end of any bus stop.

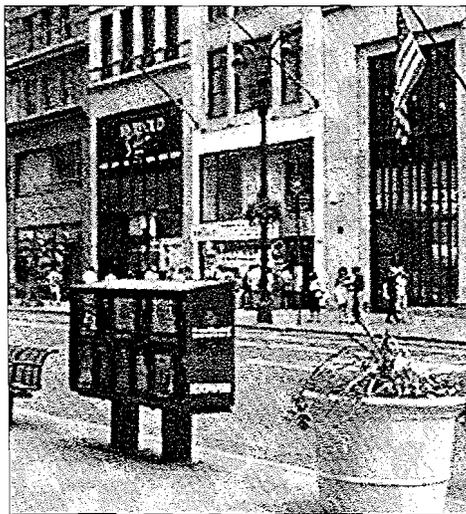
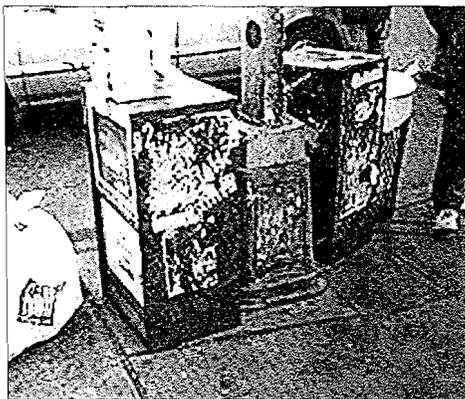
Contact: City of Pompano Beach, [www.mypompano-beach.org](http://www.mypompano-beach.org).

basically, that the court has determined that cities are allowed to create proper time, place, and manner restrictions on public property.

In Pompano Beach, opposition came from the *Miami Herald* and the *Sun Sentinel*, neither of which wanted to be regulated. While the issue never wound up in court, the city did have to take strong action. "Once the public works department picked up all the *Sun Sentinel*'s boxes and took them to a storage compound, they started to cooperate," Yarbrough says.

### Voluntary regulations work best

Kahng says the easiest way to get buy-in from publishers is to enact voluntary regulations, by using a carrot-and-stick approach. For example, Kahng suggests employing modular newsracks in the downtown core but allowing publishers to keep their boxes outside the city center. "You could tell them you're going to install modular newsracks in a certain part of downtown and you're not going to displace any of their current locations — maybe you'll even add some more — but ask them to move their individual boxes because you're making downtown look nice and those boxes are ugly," Kahng says. That approach worked for the Grand Central Partnership newsrack program implemented in New York City (pop. 8 million) in 1995. Kahng was the founding manager of that program, facilitating voluntary participation by offering vending space in the modular newsracks at no cost in exchange for the removal of publishers' freestanding newspaper boxes in the area. Pompano Beach handles things differently — the *Sun Sentinel* owns



The Grand Central Partnership in New York City pays for modular newsracks (bottom), ridding the area of unsightly single newspaper boxes (top).

most of the downtown newsracks and leases out space to other publications. The city selected Gold Eagle in Lakeland, FL, to provide its Aegean-blue newsracks.

The stick comes into play if publishers don't want to comply. Kahng suggests threatening regulations throughout the city if the publisher won't comply in one smaller area. "You could say, 'Okay, listen, obviously I have political power, and if you don't want to do this, I'm going to go to the mayor or city council and try to pass regulations that will effect the whole city. Why don't you work with me; I'm talking about a smaller area downtown — do whatever you want everywhere else,'" she says.

### Gaining consensus

Kahng says that any ordinance program needs to start with the most influential publishers. "In any city, there are four or five publishers who really matter," she says. "They're going to make a decision and sway the other publishers."

Usually, Kahng says, the big players are the major paid daily and the major free weekly in a city and *USA Today*. "[*USA Today* is] very anti-regulation," Kahng says. "Their icon is that big white box. Because it's a national newspaper, they've always been very aggressive about fighting cities legally."

While that wasn't the approach taken in Pompano Beach, Yarbrough says that getting cooperation and support from the publishers at the beginning would have made the process go a lot smoother.

### Maintenance is key

Once you've got your publishers into a modular newsrack, it is crucial that you maintain them, Kahng says. "A newsrack is like a big piggy bank sitting out on the street," she explains. "You must have a regular management routine to ensure the racks are working and that they don't get broken or covered with graffiti."

In Pompano Beach, each modular newsrack is tagged with contact information from the owner, so the city knows who to contact if the rack needs repair.

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