

RESOLUTION NO. 2001 - 62

ESTABLISHING POLICIES AND PROCEDURES FOR THE PLACEMENT OF  
NEWSPAPER DISPENSING BOXES ON GREATER CLEVELAND REGIONAL  
TRANSIT AUTHORITY PROPERTY.

WHEREAS, the Greater Cleveland Regional Transit Authority owns and operates public transit facilities which are centers of public activity and through which large numbers of transit patrons pass each day; and

WHEREAS, the Board has determined that the uncontrolled placement and maintenance of newspaper dispensing boxes at such public transit facilities presents an inconvenience and danger to the safety and welfare of persons utilizing such public transit facilities; and

WHEREAS, the Board has determined that an Authority-wide policy pertaining to the placement of newspaper dispensing boxes is necessary to ensure the safe, free and orderly flow of transit patrons through the Authority's transit facilities.

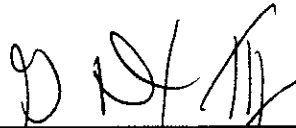
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the Greater Cleveland Regional Transit Authority hereby adopts the Newspaper Dispensing Boxes Policy and Practice Statement which is attached hereto and fully incorporated as if written herein and authorizes the General Manager to make modifications to said policy as may be necessary to provide for the efficient administration of the policy.

Section 2. That this resolution shall become effective immediately upon its adoption.

Attachment: Newspaper Dispensing Boxes Policy and Practice Statement.

Adopted: April 24, 2001

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer

**NEWSPAPER DISPENSING BOXES  
POLICY AND PRACTICE STATEMENT**

**GENERAL POLICY STATEMENT**

It is the Authority's responsibility to maintain its facilities in a safe and clean condition and to operate efficiently and effectively. The Greater Cleveland Regional Transit Authority ("GCRTA") wishes to provide a pleasant environment for present and new riders. It is the Authority's responsibility to be a "good" neighbor and member of the communities it serves.

Newspaper dispensing boxes have been installed, without Authority approval, at many locations. These installations have not been consistent and the physical condition and appearance of the boxes have not been maintained. In some instances maintenance has been non-existent. The box operators have expanded the variety of graphic tools to identify their box. The Authority's failure to correct this practice is inconsistent with its facilities improvement program and potentially creates the environment where patrons and/or Authority property could be injured / damaged.

**I. POLICY DESCRIPTION**

It is the policy and practice of the Authority that any newspaper dispensing box on Authority property shall have authorization from the GCRTA before installation. Dispensing boxes placed on Authority property without prior authorization must be removed immediately by the owner of the box. Otherwise, unapproved boxes will be removed by the Authority, or its designee. The box will be stored no longer than ten (10) days. "The Authority will dispose of boxes left in storage" and all proceeds will be applied to administrative fees.

The Authority will permit box operators/owners with pending permit applications to leave the box in place until the application has been reviewed.

**II. COMPLIANCE DATE**

A complete application for the permit must be submitted thirty (30) calendar days following the Authority's publication of a notice in a newspaper having regional circulation.

The Authority will remove any vending boxes on Authority property without a permit or a pending application thirty (30) days from the date of public notification.

**III. PROHIBITED USES**

All dispensing devices, free or coin operated, dispensing advertising or similar products that would not be considered newspapers (general or regional circulation) are expressly prohibited from the use of Authority property. Such media have become an increasing maintenance problem and potential safety hazard to the Authority's ridership and operation of revenue equipment.

#### IV. DEFINITIONS

This section provides a description of the terms used in this policy and standards for newspaper dispensing boxes.

##### A. **Dispensing Box**

Any self-service or coin operated box, container, storage unit or dispenser installed, used, or maintained for the display, distribution and sale of newspapers.

##### B. **Newspaper**

A publication either in full sheet size or tabloid form, intended for general circulation, and published regularly at short intervals, containing information of current events and news of general interest.

##### C. **Box Owner**

A person or an agent or officer of a person in whom is vested ownership, dominion, control or title of a newspaper dispensing box.

##### D. **Box Operator**

The party having legal authority / authorization to install and place materials in the box on behalf of the box owner(s).

##### E. **Approved dispensing box**

Dispensing boxes that meet each of the standards for placement, shape, size, color, materials, and conditions and have received Authority approval.

#### V. APPLICATION PROCESS AND PROCEDURES

It is the Authority's goal to act on a completed application within 30 working days from receipt. During the first year of the program, due to the number of boxes / sites requiring permits and probable process adjustments, it may take longer.

Upon receipt of the application, the Property Manager shall base approval on the standards set forth in Part XII.—Standards.

When seeking approval for the installation of a box, the following process applies:

##### A. **Application Process**

1. Applications shall be submitted to the Office of Property Management. Applications must be submitted prior to the applicant's installation of the newspaper box and will be considered in the order they are received on a first come, first served basis.
2. Incomplete applications will not be accepted. No notice will be sent regarding non-acceptance.

3. A completed application **shall** contain the following information in order to be considered for review and approval:
- a) A non-refundable Application fee of Fifteen Dollars (\$15.00) shall be submitted with each application. Only checks or money orders will be accepted. Applicants whose applications are approved will be notified by mail and a Permit will be issued. **MAKE CHECKS PAYABLE TO:** Greater Cleveland Regional Transit Authority and **Mail to:** 1240 West 6<sup>th</sup> Street, Cleveland, OH 44113 **Attention:** Property Manager/ Newspaper Dispensing Box Program.
  - b) Name of box owner, address, and telephone and fax numbers.
  - c) Description of the product to be distributed, e.g. *The Plain Dealer* – general circulation daily newspaper.
  - d) Model number, full description and color photograph of the box to be installed.
  - e) Description of the proposed location for which approval is sought to install the box(es).
  - f) A photograph(s) of the proposed location(s) and addresses of each location requested.
  - g) Certificate of Insurance. See Section VII for explanation of requirements.
  - h) Completed Hold Harmless declaration. See Section VII for explanation of requirements, sample to be provided by GCRTA.

**B. Permit Fees**

A permit fee of \$60.00 cash or other valuable consideration per approved dispensing box per year, shall be charged to the owner.

**C. Duration of Permit**

Permits shall be in force for a period no longer than one (1) calendar year -- beginning from the date of application approval.

**D. Permit Renewal**

Each application shall, if applicable, include a brief narrative containing the following information:

- a) When the last permit was issued,
- b) Location of boxes,
- c) Any current Permit numbers.

Each application shall be accompanied by:

- a) A Fifteen Dollar (\$15.00) Application renewal fee per Permit.

- b) A permit fee of \$60.00 cash or other valuable consideration per approved dispensing box per year.

## VI. BOX(ES) INSTALLED PRIOR TO POLICY

All newspaper box(es) on Authority property must have been installed in conformance with this policy. ANY boxes on Authority property not specifically approved under this policy or whose application is not currently pending with the Authority must be removed IMMEDIATELY. Failure to remove such boxes within 30 days of publication of notice of the policy in a newspaper having regional circulation will result in the newspaper box(es) being removed by the Authority and stored for a period not greater than ten (10) days. Any box in the Authority's possession beyond the 10-day period will be disposed in the manner described in Section XI. – Storage and Disposal of Unauthorized / Non-Compliant Boxes.

## VII. INDEMNIFICATION AND INSURANCE REQUIREMENTS

### A. Indemnification

To the fullest extent permitted by law, box owner/operator shall be and remain liable to the GCRTA, and shall defend, indemnify and hold harmless GCRTA and its officers, agents, and employees from all losses, damage, expense, suits, claims, demands, fines, penalties, awards, liabilities and costs, including reasonable attorneys' fees (hereinafter individually and collectively referred to as "Liability"), to the extent that the Liability, or the underlying harm causing the Liability, is attributable to, arises out of or is in any way related to the installation or operation of the newspaper box(es), except to the extent that Liability is caused solely by GCRTA, its officers, agents, employees or invitees. Box owners/operators shall:

- (1) defend the GCRTA at their own expense;
- (2) pay on behalf of GCRTA all fines, penalties, settlements, judgments and other sums related to any Liability; and
- (3) otherwise satisfy and cause to be discharged any judgments that may be obtained against the GCRTA, its officers, agents, and employees regarding any Liability.

### B. Insurance

1. Box owners/operators shall, at all times during the term of this Agreement, maintain comprehensive general liability insurance in the amount of \$1,000,000 per occurrence for bodily injury and property damage claims and liabilities related to the installation and operation of the newspaper boxes.

2. The insurance policy or policies provided hereunder shall be with companies authorized to do business in Ohio and rated "A-VII" or above by A. M. Best Co., or equivalent. They shall name the GCRTA as an additional named insured. The policy shall also be endorsed to provide for a waiver of subrogation in favor of GCRTA, and shall also provide thirty (30) days prior to non-renewal, cancellation, or reduction of the insurance afforded by this policy, written notice will be sent by certified mail to the General Counsel of GCRTA and to all other additional insureds involved."

3. Upon issuance of the permit the box owners/operators shall submit to the GCRTA a Certificate of Insurance as evidence of the coverage stipulated herein.

Copies of the Additional Named Insured and Waiver of Subrogation Endorsements will be attached to the certificate, if possible. In any case, the certificate shall contain a notation of the issuance of the endorsements (including form numbers) and a specific reference to this lease. The copies of endorsements may be provided under separate cover within thirty (30) days of execution, if necessary. This Section VII, Indemnification and Insurance, shall survive the expiration or termination of this Lease.

#### **VIII. PERMIT STICKER**

- A. Only Authority issued permits may be used as evidence of compliance with this policy (see Figure 1).
- B. Permits must be located in the prescribed location on the box during the approved period. (see Figure 2—last page)

#### **IX. FOLLOWING APPLICATION APPROVAL**

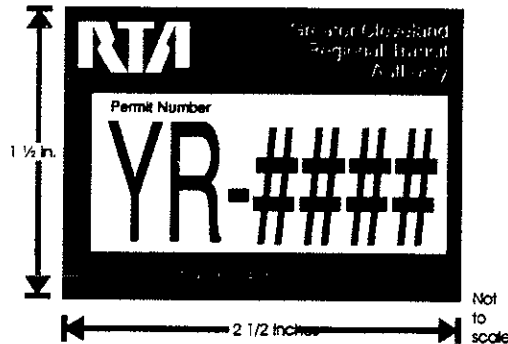
Upon application approval, the owner / operator may proceed with the installation based on the standards immediately. The Authority must be notified of the installation date and upon completion of the installation.

#### **X. DENIAL OF APPLICATION**

The Authority has the sole and exclusive right to deny an application to install a newspaper dispensing box. Reasons for denial shall be described and provided to the applicant, in writing, within a reasonable time. Denial shall be one or more of the following factors:

- Proposed use of a box that did not meet standards for box shape, color, style and size.
- Proposed installation method does not meet criteria
- Proposed location does not meet criteria.
- Failure to comply with Authority application process.
- Previously granted permits have qualified for all of the available space at the requested location.

Figure 1



## XI. STORAGE AND DISPOSAL OF UNAUTHORIZED / NON-COMPLIANT BOX(ES)

- A. The Authority shall make reasonable efforts to notify operators of newspaper and tabloid dispensing boxes prior to disposal. Reasonable efforts shall include:

One (1) written notification will be sent to newspaper and tabloid operators identified through an inventory of dispensing boxes on Authority property following passage of this policy.

### B. Removal of Unauthorized Boxes

Boxes found not in compliance with this Policy shall be designated as unauthorized boxes. The owner shall be responsible for their removal within ten (10) days from notification by the Authority.

### C. Storage of Boxes

All boxes will be stored on the Authority's property for a period of ten (10) days.

## XII. STANDARDS

The following standards were created with the intent of reflecting policies adopted by cities and communities known to have existing standards and policies.

- A. **Dispenser Box Characteristics** (e.g., size, shape and color) and Other Approved Uses.
1. Size and Shape--Figure 2.
  2. Base—A flush type base that will accommodate the installation method as outlined in section "C".
  3. Color-- White
  4. Advertising--No advertising shall be permitted on the box.

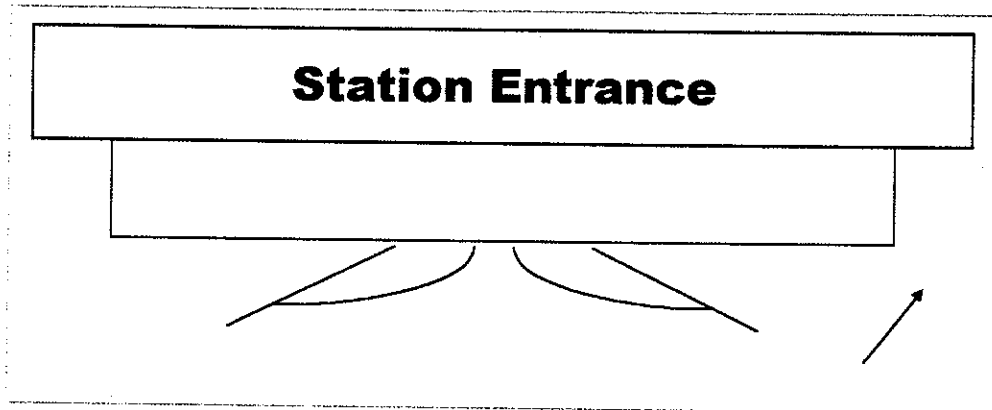
5. Display Cards--Display cards are not permitted on the box.
6. Newspaper or Tabloid Name--The name of the newspaper shall be printed on the door. The lettering style shall be in the same style as the newspaper / tabloid masthead.

**B. Site Criteria**

All boxes must be installed in the cement area at the primary entrance to a facility or station as designated by the GCRTA.

Station entrances and emergency entry / exit points shall be kept clear of any installations. Boxes must be located in parallel with other boxes previously installed at the location. (See Figure 3)

**Figure 3**



**1. Approved Sites**

Sites included within this section do not affect the general safe operation of the station's facilities, general entrance(s) and exit(s) normal flow of pedestrian traffic, maintenance and emergency equipment.

**2. Unacceptable Sites**

Proposed sites that will fail to receive approval would impair the safe movement of passengers to and from vehicle boarding areas and the maintenance of a station's facilities. Examples are:

- a) Station tunnel walkways
- b) Station platforms
- c) Station sidewalks and other walkways
- d) Station Parking Areas
- e) Station interiors
- f) Non-Designated box placement areas.



**C. Installation Procedures**

All box(es) shall be stable, in order to withstand high winds and other adverse conditions. Installations shall be done as follows:

1. The addition of a bag or bags containing materials of sand, gravel or small aggregate, shall be added to bring the empty box weight up to 160 pounds or greater.
2. All boxes shall be installed on the sidewalk cement of a station's entrance as designated by the Authority.

**D. Prohibited Installation Procedures**

No dispensing box shall be chained or tethered to any other object. This includes trees, passenger shelters, other dispensing boxes, etc.

**E. Post Installation**

1. The area around the box shall be left clean and clear. Any debris resulting from the box installation shall be removed immediately.
2. Appropriate safety measures shall be employed as part of the box installation process.

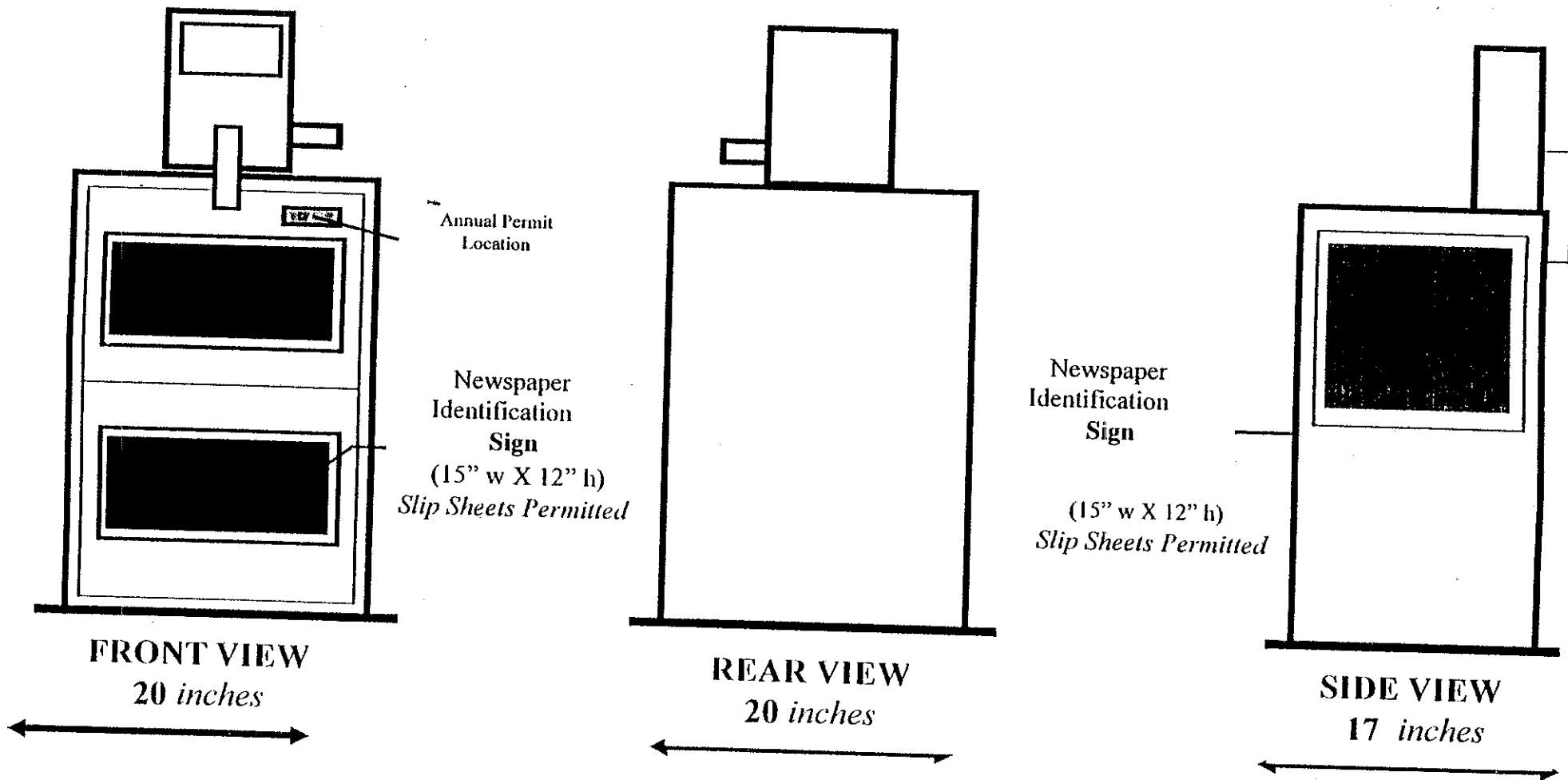
**F. Disposal of Waste Material**

Dispensing box(es) owners/operators will be required to remove from the Authority's property any and all wrapping and strapping materials, old newspapers and any waste material belonging to the owners/operators.

**G. Box Physical Condition Requirements**

1. All boxes shall be maintained in a safe and clean operating condition. No damaged, broken box panels or other components shall be permitted. Rust or other signs of physical decay shall be repaired.
2. Only minor repairs shall be performed in the field. Damaged panels may be replaced if the repair does not require painting, sanding and refinishing of box components. Owner's engaging in repairs other than "minor repairs" in the field may have their authorization(s) revoked.

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
NEWSPAPER DISPENSING DEVICE -- DESIGN STANDARD**



DATE: 9/97

**Figure 2**

RESOLUTIONS  
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