

RESOLUTION NO. 2024-40

REPEALING CHAPTERS 1066 PROMOTIONAL ACTIVITIES AND 1094 NEWSPAPER DISPENSING BOX POLICY AND AMENDING CHAPTERS 470 REAL ESTATE POLICIES AND 850 PUBLIC ASSEMBLY ON AUTHORITY PROPERTY OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees ("Board") of the Greater Cleveland Regional Transit Authority ("Authority") codified the resolutions establishing its policies and procedures; and

WHEREAS, the Authority has conducted a review and determined that Chapters 1066 Promotional Activities and 1094 Newspaper Dispensing Box Policy should be repealed, and that Chapters 470 Real Estate Policies and 850 Public Assembly on Authority Property should be amended to update certain provisions to align them with the Authority's current operations.

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

Section 1. That Code Book Chapters 1066 Promotional Activities and 1094 Newspaper Dispensing Box Policy are hereby repealed in their entirety.

Section 2. That Code Book Chapter 470 Real Estate Policies is hereby amended to read as specified in Attachment A hereto.

Section 3. That Code Book Chapter 850 Public Assembly on Authority Property is hereby amended to read as specified in Attachment B hereto.

Section 4. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

Section 5. That this resolution shall become effective immediately upon its adoption.

Attachments: A. Chapter 470 Real Estate Policies
B. Chapter 850 Public Assembly on Authority Property

Adopted: May 21, 2024



President

Attest: 

Secretary-Treasurer

CHAPTER 470
Real Estate Policies

- | | | | |
|--------|--------------------------------|--------|--|
| 470.01 | Acquisitions of real property. | 470.07 | Joint development agreements. |
| 470.02 | Dispositions of real property. | 470.08 | Compliance with federal regulations |
| 470.03 | Leases. | 470.09 | Use of Authority facilities for special events. |
| 470.04 | Temporary easements. | 470.10 | Items intentionally placed on Authority property |
| 470.05 | Permanent easements. | | |
| 470.06 | License agreements. | | |

CROSS REFERENCES

Powers and duties of the Authority – see R.C. 306.35

Board of Trustees - see ADM. Ch. 220

General Manager, Chief Executive Officer - see ADM. Ch. 242

Public assembly on Authority property - see VEH. & OP. Ch. 850

Special Event Use of RTA Real Property and Facilities - Administrative Procedure No. 042

470.01 ACQUISITIONS OF REAL PROPERTY.

Acquisitions of real property and eminent domain takings by the Authority require the recommendation of the General Manager, Chief Executive Officer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.02 DISPOSITIONS OF REAL PROPERTY.

Dispositions of real property require the recommendation of the General Manager, Chief Executive Officer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.03 LEASES.

(a) Leases of real property owned by the Authority require the recommendation of the General Manager, Chief Executive Officer and the approval of the Board of Trustees for all leases that, originally or after amendment or other means of continuous use by another party, either exceed twenty-five thousand dollars (\$25,000) in total revenue or are for a term of more than three years. Leases with terms of three years or less and that provide total revenue less than or equal to twenty-five thousand dollars (\$25,000) may be authorized by the General Manager, Chief Executive Officer without approval by the Board of Trustees.

(b) Leases of another party's real property by the Authority require the recommendation of the General Manager, Chief Executive Officer and the approval of the Board of Trustees for all leases that, originally or after amendment or other means of continuous use by the Authority, either exceed twenty-five thousand dollars (\$25,000) in total cost or are for a term of more than three years. Leases with terms of three years or less and twenty-five thousand dollars (\$25,000) or less in cost to the Authority may be authorized by the General Manager, Chief Executive Officer without approval by the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.04 TEMPORARY EASEMENTS.

(a) The granting or acceptance of temporary easements for construction, access, use, etc. by the Authority for a term of three years or less and for twenty-five thousand dollars (\$25,000) or less in cost or revenue may be authorized by the General Manager, Chief Executive Officer without approval of the Board of Trustees.

(b) The granting or acceptance of temporary easements for construction, access, use, etc. by the Authority for a term exceeding three years or exceeding twenty-five thousand dollars (\$25,000) in cost or revenue requires recommendation of the General Manager, Chief Executive Officer and approval of the Board of Trustees.

(Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.05 PERMANENT EASEMENTS.

(a) The conveyance or acceptance of a permanent easement by the Authority with a value of ten thousand dollars (\$10,000) or less may be authorized by the General Manager, Chief Executive Officer without approval of the Board of Trustees.

(b) The conveyance or acceptance of any permanent easement by the Authority with a value in excess of ten thousand dollars (\$10,000) requires recommendation of the General Manager, Chief Executive Officer and approval of the Board of Trustees.

(Res. 2004-02. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.06 LICENSE AGREEMENTS.

(a) License agreements governing use of the Authority's real property or use by the Authority of another party's real property that, originally or after amendment or other means of continuous use, exceed twenty-five thousand dollars (\$25,000) in revenue or cost or that exceed a term of three years require recommendation by the General Manager, Chief Executive Officer and the approval of the Board of Trustees.

(b) License agreements that generate revenue or incur cost of less than or equal to twenty-five thousand dollars (\$25,000) and that have a term of three years or less may be authorized by the General Manager, Chief Executive Officer without approval by the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed

8-17-10; Res. 2016-70. Passed 8-16-16.)

470.07 JOINT DEVELOPMENT AGREEMENTS.

Joint development agreements require the recommendation of the General Manager, Chief Executive Officer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.08 COMPLIANCE WITH FEDERAL REGULATIONS.

All real estate transactions involving federal funding must be reviewed to determine compliance with federal regulations.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.09 USE OF AUTHORITY FACILITIES FOR SPECIAL EVENTS.

(a) The Authority will permit the use of its facilities for special events sponsored by organizations and members of the community so long as the use is not inconsistent with the public's use and need of such facility. The use of Authority facilities will be subject to certain terms and conditions as set forth below.

(b) Allowing its facilities to be used for special events and activities will benefit the Authority in several ways:

- (1) Provide revenue;
- (2) Help promote the existence and attractiveness of Authority services and facilities;
- (3) Improve the Authority's public image and relations; and
- (4) Facilitate positive neighbor relations with property owners and communities adjacent to or near Authority facilities.

(c) The Authority reserves the right to deny the request of any group or organization when a proposed use is inconsistent with the public interest; when the Authority and/or general public will not benefit from the proposed use; when the Authority will be negatively impacted; or when the group or organization refuses to abide by the guidelines and requirements set forth herein.

(d) Guidelines and Requirements.

- (1) Special events will be limited to passenger facilities (i.e. transit stations, parking lots, walkways) and, on a selected basis, district bus garages and other Authority property.
- (2) Use of a facility cannot cause undue disruption to Authority operations, customers, and/or employees.
- (3) The group sponsoring the special event must agree to hold the Authority harmless from any liability resulting from the event and shall obtain insurance which names the Authority as an additional insured and in an amount to be determined by the Authority. If alcoholic beverages are to be served, then the policy

- of insurance shall include a specific liquor liability endorsement.
- (4) The sponsoring party of the special event must adhere to all rules and regulations imposed by the Authority, including insurance and fees.
 - (5) Food service and the dispensing of alcohol will be permitted provided the sponsoring group obtains and provides the Authority a copy of any required insurance, permits, and/or licenses prior to the event. The sponsoring party must provide all alcohol; B.Y.O.B. (bring your own bottle) is not permitted.
 - (6) Unlawful activities, including but not limited to gambling, are specifically prohibited.
 - (7) The sponsoring party must apply for a permit for use of Authority property for a special event. If a permit is granted by the Authority, the sponsoring party will execute, prior to facility usage, that written permit or agreement acknowledging awareness and acceptance of all facility usage rules and regulations.
 - (8) The requirements of any applicable laws or easements, contracts or other agreements the Authority has entered into associated with a facility will take precedence over the provisions of this policy whenever appropriate in a given situation.
 - (9) Organizations may use the facility for benefits and fundraisers. These groups may sell tickets prior to the event but not on the premises or at the door unless the Authority specifically allows ticket sales on the premises for the event. The ticket, or an example of the ticket, must be submitted to and approved by the Authority prior to being sold by the organization.
 - (10) Permits issued to a sponsoring party must be used for the function stated on the permit only.
 - (11) No food or alcoholic beverages may be sold on the premises unless explicitly authorized by the General Manager, Chief Executive Officer after all necessary food and/or liquor licenses have been obtained and reviewed by the Legal Department.
 - (12) No smoking is permitted at any Authority facility.
 - (13) The sponsoring party shall sign all necessary permits and satisfy all applicable requirements of the Authority and the municipality where the facility is located.
 - (14) It will be the sponsoring party's responsibility to see that all members of their event abide by Authority rules and regulations regarding the special event. The Authority and/or local municipal authority decisions with regard to traffic, crowd control, and general welfare are final and binding.
 - (15) The General Manager, Chief Executive Officer shall assess an administrative and/or usage fee for the special event. The fee(s) may increase without notice, as determined by the discretion of the General Manager, Chief Executive Officer.
 - (16) The General Manager, Chief Executive Officer has the authority to make reasonable exceptions to the provisions of this Policy when

the best interest of the Authority or the general public would be served by doing so.

- (17) The General Manager, Chief Executive Officer will determine organizational responsibility for administering this Policy.

470.10 ITEMS INTENTIONALLY PLACED ON AUTHORITY PROPERTY

It is the Authority's responsibility to maintain its facilities in a safe and clean condition and to operate efficiently and effectively. The Authority wishes to provide a pleasant environment for its riders.

It is the policy of the Authority that any item intentionally placed on Authority property must have authorization from the Authority before installation. Any item intentionally placed or left on Authority property without prior authorization must be removed immediately by the owner of the item. Otherwise, unapproved items will be removed by the Authority or its designee. The Authority will dispose of such items in accordance with the Authority's Procurement Policies Section 410.01(a)(28). This policy does not apply to lost and found items.

Attachment B to Resolution

CHAPTER 850
Public Assembly on Authority Property

850.01	Intent.	850.06	Time, place and manner of activities.
850.02	Application of chapter.	850.07	Denial, refusal and cancellation of permits.
850.03	Definitions.	850.08	Political campaign activity.
850.04	Permit required; application information.		
850.05	Permit: issuance; transferability; renewal; exclusions.		

CROSS REFERENCES

Unauthorized use of property - see R.C. 2913.04

Disorderly conduct - see R.C. 2917.11

Misconduct involving a public transportation system - see R.C. 2917.41

Real Estate Policies - FIN Ch. 470

Use of authority facilities for special events - FIN Ch. 470.09

Political activity by employees - see Personnel Policies

850.01 INTENT.

- (a) The policies and guidelines established herein are necessary in order to:
- (1) Ensure that Authority property maintains its status as a non-public forum;
 - (2) Ensure that persons seeking to exercise constitutional rights to freedom of speech, expression, and assembly on Authority property may do so within the limitations of the policies and guidelines established herein;
 - (3) Restrict the time, place, and manner of the activities described herein to designated areas of Authority property;
 - (4) Protect transit patrons using Authority property from repeated communications or encounters which may constitute harassment or intimidation of a captive audience;
 - (5) Ensure the safe, free, and orderly flow of transit patron traffic through and on Authority stations, premises, and vehicles; and
 - (6) Further the purpose of the Authority, which is to transport passengers safely and efficiently via bus and rail.

(b) A person who wishes to engage in activities governed by these policies and guidelines on or at Authority premises, stations, and vehicles, including, but not limited to, the distribution of literature, shall be protected in accordance with these policies, provided the activities do not:

- (1) Constitute commercial activities, unless by written commercial agreement benefitting the Authority; or
 - (2) Interfere with the transportation function or safe operation of the Authority stations, premises, or vehicles.
- (Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.02 APPLICATION OF CHAPTER.

The policies and guidelines established herein apply to all persons using Authority premises, stations, vehicles, or other Authority property, whether Authority employees or members of the public, including, but not limited to, Authority visitors, delivery persons, contractors, and agents for the following activities:

- (a) Commercial Activity. A person may not engage in any commercial activity on Authority stations and premises except by written commercial agreement benefitting the Authority. Other commercial activity is expressly prohibited on Authority property.
 - (b) Non-Commercial Free Speech Activity. As a non-public forum, the Authority has authority to limit free speech activities on its property. A person desiring to exercise constitutional freedoms, including, but not limited to, the distribution of literature or solicitation of funds, on, in, within, or about Authority property shall first obtain a written permit for these activities from the Authority. Free speech activities may be exercised only in accordance with the restrictions designated in the permit.
- (Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.03 DEFINITIONS.

For the purposes of this policy, the following terms have the meanings indicated:

- (a) "Authority property" means all property owned, leased, operated, or controlled by the Authority in connection with public transit activities, including, but not limited to, all vehicles used for transporting passengers, station areas, entrances, platforms, plazas, escalators, elevators, stairways, parking lots, transfer points and other rapid stations.
- (b) "Authorized" means acting pursuant to a written contract, permit, or other evidence of right issued by the Authority.
- (c) "Commercial activity" means any activity undertaken for profit, including, but not limited to, the sale, provision, advertisement, or display of goods or services; the exchanging, trading, buying, hiring, soliciting, or peddling of commodities, goods, money, services, or property of any kind; or any other revenue producing activity.
- (d) "Emergency situation" means any event creating a condition or circumstance that interferes with the safe or efficient operation of the Authority system, or other conditions or circumstances as may be determined by the Authority to endanger the health, safety, and welfare of persons on or upon Authority property.
- (e) "Free speech activity" means any manner of exercising constitutionally protected freedoms of religion, speech, press, and assembly, including, but not limited to, campaigning for political candidates and issues.
- (f) "Person" means any individual, organization, firm, partnership, corporation,

- company, association, or joint stock association, and includes the trustee, receiver, committee, assignee, or other representative thereof.
- (g) "Transit patron" means a person in or upon Authority property for the purpose of using Authority public transportation service available at that site.
 - (h) "Vehicle" means all vehicles used for transporting passengers owned by and/or operated by the Authority.
- (Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.04 PERMIT REQUIRED; APPLICATION INFORMATION.

All persons desiring to use Authority property for non-commercial free speech activities governed by these policies and guidelines shall submit to the General Manager/Secretary-Treasurer of the Authority, or his or her designee, a written request in a form prescribed by the Authority setting forth at least the following:

- (a) The full name, mailing address, and telephone number of the entity/person sponsoring, promoting, or conducting the proposed activity;
- (b) A description of the proposed activity, indicating the type of communication to be involved;
- (c) The dates and hours during which the activity is proposed to be carried out;
- (d) The number of persons to be engaged in the activity;
- (e) The specific area of Authority property in which the proposed activity is planned; and
- (f) Whether handbills, leaflets, circulars, or other printed material will be distributed.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.05 PERMIT: ISSUANCE; TRANSFERABILITY; RENEWAL; EXCLUSIONS.

(a) Upon receipt of a permit application containing the required information, as stated above, the Authority will issue a permit to the applicant, subject to the limitations set forth herein. The Authority will not exercise judgment regarding the content of the activity or the viewpoints that are expressed.

(b) Permits to use Authority property, if granted, will be issued on a first-come, first-served basis. As used herein, "first come" means the person who has first completed the procedural guidelines set forth herein.

(c) Permits are not transferable or assignable.

(d) The permit shall authorize the holder to conduct the activity for the date and duration of time defined in the permit.

(e) Permits may not be extended or renewed.

(f) Each permit shall specify the area, station, or property where the activity shall take place.

(g) The Authority reserves the right to cancel any permit, with or without advance notice to the permit holder.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.06 TIME, PLACE AND MANNER OF ACTIVITIES.

(a) Time Regulations. A permit holder shall conduct the free speech activity only during the hour(s) prescribed in the permit.

(b) Place Regulations.

- (1) Free speech activity may only be conducted in the area specifically prescribed in the permit. In no circumstance shall a permit be issued for activity on transit platforms or "in revenue service" transit vehicles.
- (2) Free speech activity is specifically prohibited in any area that obstructs the safe, efficient, free, and orderly flow of passengers' ingress or egress or the operation of Authority business transactions.

(c) Manner Regulations.

- (1) Free speech activity shall be conducted only in a conversational tone.
- (2) The permit holder shall, upon request of an Authority employee, transit police officer, or other law enforcement official, display the permit.
- (3) In conducting free speech activity, a person may not:
 - A. Obstruct, delay, or interfere with the free movement of any other person or seek to coerce or physically disturb any other person;
 - B. Use any sound or voice-amplifying apparatus on Authority property;
 - C. Conduct any activity in a misleading or fraudulent manner;
 - D. Erect a table, booth, or other structure unless approval is designated in the permit;
 - E. Intentionally touch or make physical contact with another person unless that person has consented to physical contact; and
 - F. Repeatedly attempt to distribute written or printed material to or solicit funds from another person when that other person has indicated to the solicitor that he or she is unreceptive.
- (4) If printed material or other object is handed out, the individual designated as the permit holder shall accept the responsibility of cleaning up or paying for the clean-up of any material or objects left on Authority property. A deposit may be required for this purpose.
- (5) The failure of permit holder to remove all material that the permit holder brought onto Authority property may be grounds for refusal to grant future permits.
- (6) The Authority will require the permit holder, or other person designated as the responsible party in the permit, to post insurance before free speech activity may commence. In determining the amount of insurance, the Authority will consider, among other factors, the extent to which the proposed activity increases the Authority's risk of liability.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.07 DENIAL, REFUSAL AND CANCELLATION OF PERMITS.

An application for a permit shall be denied and/or canceled if one or more of the following occurs:

- (a) One or more of the statements in the permit application is untrue;
- (b) The applicant has not furnished all the information required for the permit;
- (c) An earlier-filed permit was granted for the same time and place;
- (d) A breach or violation of any provision of this chapter occurs, including, but not limited to, failure to demonstrate evidence of requisite insurance; and/or

- (e) A review of the permit application indicates that the activity cannot be conducted without violating this chapter.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.08 POLITICAL CAMPAIGN ACTIVITY.

(a) A permit is required for political campaign activity. A permit will only be issued on a first-come, first-served basis for one campaign sponsor/candidate at any location, accompanied by one assistant.

(b) All time, place, and manner regulations cited above, in Section 850.06, are applicable.

(c) All restrictions and procedures contained in Section 470.09 Use of Authority Facilities for Special Events, are applicable.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)



TITLE/DESCRIPTION: REPEALING CHAPTERS 1066 PROMOTIONAL ACTIVITIES AND 1094 NEWSPAPER DISPENSING BOX POLICY AND AMENDING CHAPTERS 470 REAL ESTATE POLICIES AND 850 PUBLIC ASSEMBLY ON AUTHORITY PROPERTY OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2024-40
	Date: May 16, 2024
	Initiator: Engineering & Project Management
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

1.0 **PURPOSE/SCOPE:** This resolution will repeal Chapters 1066 Promotional Activities and 1094 Newspaper Dispensing Box Policy and amend Chapters 470 Real Estate Policies and 850 Public Assembly on Authority Property of the Codified Rules and Regulations (“Code Book”) of the Greater Cleveland Regional Transit Authority (“Authority”).

2.0 **DESCRIPTION/JUSTIFICATION:** The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution No. 1989-176. The Code Book is undergoing a comprehensive review and update so that the Code Book will conform to the current structure and operations of the Authority.

The proposed revisions consolidate the policies relating to the Authority's real estate. The content of Chapter 1066 Promotional Activities will be moved to Section 470.10 Use of Authority Facilities for Special Events, a new section within Chapter 470. Chapter 470 will also be updated to provide that permanent easements with a value of more than \$10,000 will require approval by the Board of Trustees, which is an increase from the \$2,500 threshold that was first established in 2004. Section 470.11 Items Intentionally Placed on Authority Property will be added to authorize the removal of items placed on Authority property without permission.

Chapter 1094 Newspaper Dispensing Box Policy will be repealed because paper newspapers have become obsolete and the newspaper box program has been discontinued.

The wording of Chapter 850 Public Assembly on Authority Property will be updated to better align with First Amendment principles and to make reference to new Section 470.10.

3.0 **PROCUREMENT BACKGROUND:** Does not apply.

4.0 **AFFIRMATIVE ACTION / DBE BACKGROUND:** Does not apply.

5.0 **POLICY IMPACT:** Adoption of the resolution will align the Code Book provisions with the current operations of the Authority.

6.0 **ECONOMIC IMPACT:** Does not apply.

7.0 **ALTERNATIVES:** Not adopting this resolution. Not adopting this resolution will leave the Code Book provision out of line with the current operations of the Authority.

8.0 **RECOMMENDATION:** This resolution was discussed at the May 7, 2024 Committee of the Whole meeting and recommended, subject to modification of the language in Section 470.10(d), for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.

9.0 ATTACHMENTS:

- A. Red-line showing repeal of Chapter 1066 Promotional Activities
- B. Red-line showing repeal of Chapter 1094 Newspaper Dispensing Box Policy
- C. Red-line of proposed amendments to Chapter 470 Real Estate Policies
- D. Red-line of proposed amendments to Chapter 850 Public Assembly on Authority Property

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



General Manager, Chief Executive Officer

Attachment A to Staff Summary

~~CHAPTER 1066
Promotional Activities~~

~~1066.01 — Authorization of programs.
(Repealed)~~

~~1066.02 — Use of Authority facilities for
special events.~~

~~CROSS REFERENCES~~

~~Research, development and demonstration projects — see 49 U.S.C.A. 1605-
Regulation of operation of systems, rates, rentals, or other charges; compliance
with undertakings — see 49 U.S.C.A. 1608(d)~~

~~Buy America requirements — see 49 C.F.R. Part
660~~

~~Buy America requirements — Surface Transportation Assistance Act of 1982
— see 49 C.F.R. Part 661~~

~~Commissions for the sale of tickets and passes — see VEH. & OP. 840.01-~~

~~Student fare discount program — see VEH. & OP. 840.02~~

~~Downtown loop service fares — see VEH. & OP. 840.05-~~

~~Children's fares — see VEH. & OP. 840.06~~

~~Sunday passes — see VEH. & OP. 840.08~~

~~Fares for rides outside of County — see VEH. & OP. 840.09,-~~

~~840.16(e) Temporary promotional discount fares — see VEH. &
OP. 840.12 Day passes — see VEH. & OP. 840.16~~

~~Waterfront Line service — see VEH. & OP. 840.17~~

~~Public assembly on Authority property — see VEH. & OP. Ch. 850-~~

~~Real estate policies — see FIN. Ch. 470~~

~~**1066.01 — AUTHORIZATION OF PROGRAMS. (REPEALED)**~~

~~(EDITOR'S NOTE: Section 1066.01 was repealed by Resolution 2019-67, passed
June 18, 2019.)~~

~~**1066.02 — USE OF AUTHORITY FACILITIES FOR SPECIAL EVENTS.**~~

~~(a) — The Authority will permit the use of its facilities for special events
sponsored by organizations and members of the community so long as the use is not
inconsistent with the public's use and need of such facility. The use of Authority
facilities will be subject to certain terms and conditions as set forth below.~~

~~(b) — Allowing its facilities to be used for special events and activities will
benefit the Authority in several ways:~~

- ~~(1) Provide revenue;~~

- ~~(2) Help promote the existence and attractiveness of GCRTA services and facilities;~~
- ~~(3) Improve the Authority's public image and relations; and~~
- ~~(4) Facilitate positive neighbor relations with property owners and communities adjacent to or near Authority facilities.~~

~~(e) The Authority reserves the right to deny the request of any group or organization when a proposed use is inconsistent with the public interest; when the Authority and/or general public will not benefit from the proposed use; when the Authority will be negatively impacted; or when the group or organization refuses to abide by the guidelines and requirements set forth herein.~~

~~(d) Guidelines and Requirements:~~

- ~~(1) Special events will be limited to passenger facilities (i.e. transit stations, parking lots, walkways) and, on a selected basis, district bus garages and other Authority property.~~
- ~~(2) Use of a facility cannot cause undue disruption to Authority operations, customers, and/or employees.~~
- ~~(3) The group sponsoring the special event must agree to hold the Authority harmless from any liability resulting from the event and shall obtain insurance which names the Authority as an additional insured and in an amount to be determined by the Authority. If alcoholic beverages are to be served, then the policy of insurance shall include a specific liquor liability endorsement.~~
- ~~(4) The sponsoring party of the special event must adhere to all rules and regulations imposed by the Authority, including insurance and fees.~~
- ~~(5) Food service and the dispensing of alcohol will be permitted provided the sponsoring group obtains and provides the Authority a copy of any required insurance, permits, and/or licenses prior to the event. The sponsoring party must provide all alcohol; B.Y.O.B. (bring your own bottle) is not permitted.~~
- ~~(6) Unlawful activities, including, but not limited to gambling, are specifically prohibited.~~
- ~~(7) The sponsoring party must execute, prior to facility usage, a written letter or agreement acknowledging awareness and acceptance of all facility usage rules and regulations.~~
- ~~(8) The requirements of any applicable laws or easements, contracts or other agreements the Authority has entered into associated with a facility will take precedence over the provisions of this Policy whenever appropriate in a given situation.~~
- ~~(9) Organizations may use the facility for benefits and fundraisers. These groups may sell tickets prior to the event but not on the premises or at~~

- ~~the door. The ticket, or an example of the ticket, must be submitted to and approved by the Authority prior to being sold by the organization.~~
- ~~(10) Permits issued to a sponsoring party must be used for the function stated on the permit only.~~
 - ~~(11) No food, tickets, or alcoholic beverages are to be sold on the premises at any time.~~
 - ~~(12) No smoking is permitted inside any Authority facility/structure.~~
 - ~~(13) The sponsoring party shall sign all necessary permits and satisfy all applicable requirements of the Authority and the municipality where the facility is located.~~
 - ~~(14) It will be the sponsoring party's responsibility to see that all members of their event abide by Authority rules and regulations regarding the special event. The Authority and/or local municipal authority decisions with regard to traffic, crowd control, and general welfare are final and binding.~~
 - ~~(15) The General Manager shall assess an administrative and/or usage fee for the special event. The fee(s) may increase without notice, as determined by the discretion of the General Manager.~~
 - ~~(16) The General Manager has the authority to make reasonable exceptions to the provisions of this Policy when the best interest of the Authority or the general public would be served by doing so.~~
 - ~~(17) The General Manager will determine organizational responsibility for administering this Policy.~~
- ~~(Res. 2010-54. Passed 8-17-10.)~~

Attachment B to Staff Summary

~~CHAPTER 1094
Newspaper Dispensing Boxes-
Policy~~

1094.01	General policy statement.	1094.09	Permit sticker
1094.02	Policy description.	1094.10	Following application approval.
1094.03	Compliance date.	1094.11	Denial of application.
1094.04	Prohibited uses.	1094.12	Storage and disposal of unauthorized/non-compliant box(es).
1094.05	Definitions.	1094.13	Standards.
1094.06	Application process and procedures.		
1094.07	Box(es) installed prior to policy.		
1094.08	Indemnification and insurance requirements		

~~CROSS REFERENCES~~

~~Approval of projects for acquisition, construction, and improvement of facilities and equipment, and payment of operating expenses; terms and conditions; regulations—See 49 U.S.C.A. 1608(d)~~
~~Modification in service—see SERV. Ch. 1050~~
~~Bus park and ride facilities program procedures—see SERV. Ch. 1064~~

~~1094.01—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 Authority 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. (Res. 2001-62. Passed 4-24-01.)~~

~~1094.02—POLICY DESCRIPTION.~~

~~It is the policy and practice of the Authority that any newspaper dispensing box on Authority property shall have authorization from the Authority 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 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. (Res. 2001-62. Passed 4-24-01.)~~

~~1094.03 — COMPLIANCE DATE.~~

~~A complete application for the permit must be submitted thirty 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 days from the date of public notification. (Res. 2001-62. Passed 4-24-01.)~~

~~1094.04 — 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. (Res. 2001-62. Passed 4-24-01.)~~

~~1094.05 — DEFINITIONS.~~

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

- ~~(a) "Approved dispensing box" means dispensing boxes that meet each of the standards for placement, shape, size, color, materials, and conditions and have received Authority approval.~~
- ~~(b) "Box operator" means the party having legal authority/ authorization to install and place materials in the box on behalf of the box owner(s).~~
- ~~(c) "Box owner" means 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) "Dispensing box" means any self service or coin-operated box, container, storage unit or dispenser installed, used, or maintained for the display, distribution and sale of newspapers.~~
- ~~(e) "Newspaper" means 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. (Res. 2001-62. Passed 4-24-01.)~~

~~1094.06 — APPLICATION PROCESS AND PROCEDURES.~~

~~It is the Authority's goal to act on a completed application within thirty 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 Section 1094.13.~~

~~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 6th 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 1094.08 for explanation of requirements.~~

~~H. Completed Hold Harmless declaration. See Section 1094.08 for explanation of requirements, sample to be provided by the Authority.~~

~~(b) Permit fees. A permit fee of sixty dollars (\$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 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:

- ~~(1) — When the last permit was issued;~~
- ~~(2) — Location of boxes;~~
- ~~(3) — Any current permit numbers.~~

Each application shall be accompanied by:

- ~~(1) — A fifteen dollar (\$15.00) application renewal fee per permit.~~
- ~~(2) — A permit fee of sixty dollars (\$60.00) cash or other valuable consideration per approved dispensing box per year.~~
~~(Res. 2001-62. Passed 4-24-01.)~~

~~1094.07 — 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 thirty 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 days. Any box in the Authority's possession beyond the ten day period will be disposed in the manner described in Section 1094.12.~~

~~(Res. 2001-62. Passed 4-24-01.)~~

~~1094.08 — INDEMNIFICATION AND INSURANCE REQUIREMENTS.~~

~~(a) — Indemnification. To the fullest extent permitted by law, box owner/operator shall be and remain liable to the Authority, and shall defend, indemnify and hold harmless the Authority 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 the Authority, its officers, agents, employees or invitees. Box owners/operators shall:~~

- ~~(1) — Defend the Authority at their own expense;~~
- ~~(2) — Pay on behalf of the Authority 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 Authority, 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 one million dollars (\$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 Authority as an additional named insured. The policy shall also be endorsed to provide for a waiver of subrogation in favor of the Authority, and shall also provide thirty 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 the Authority and to all other additional insureds involved."~~
- ~~(3) Upon issuance of the permit the box owners/operators shall submit to the Authority a Certificate of Insurance as evidence of the coverage stipulated herein.~~

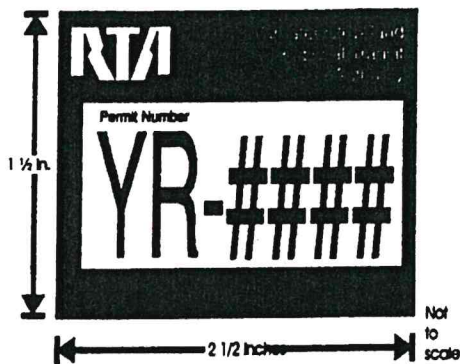
~~Copies of the Additional Named Insured and Waiver of Subrogation Endorsements will be attached to the certificate, if possible. In any case, the certificate shall contain a notation of the issuance of the endorsements (including form numbers) and a specific reference to this lease. The copies of endorsements may be provided under separate cover within thirty days of execution, if necessary. This section shall survive the expiration or termination of this lease. (Res. 2001-62. Passed 4-24-01.)~~

~~**1094.09 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). (Res. 2001-62. Passed 4-24-01.)~~

Figure 1



~~1094.10 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.
(Res. 2001-62. Passed 4-24-01.)~~

~~1094.11 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:~~

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

~~1094.12 STORAGE AND DISPOSAL OF
UNAUTHORIZED/ NON-COMPLIANT
BOXES).~~

~~(a) The Authority shall make reasonable efforts to notify operators of newspaper and tabloid dispensing boxes prior to disposal. Reasonable efforts shall include: one 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 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 days.
(Res. 2001-62. Passed 4-24-01.)~~

~~1094.13 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~~

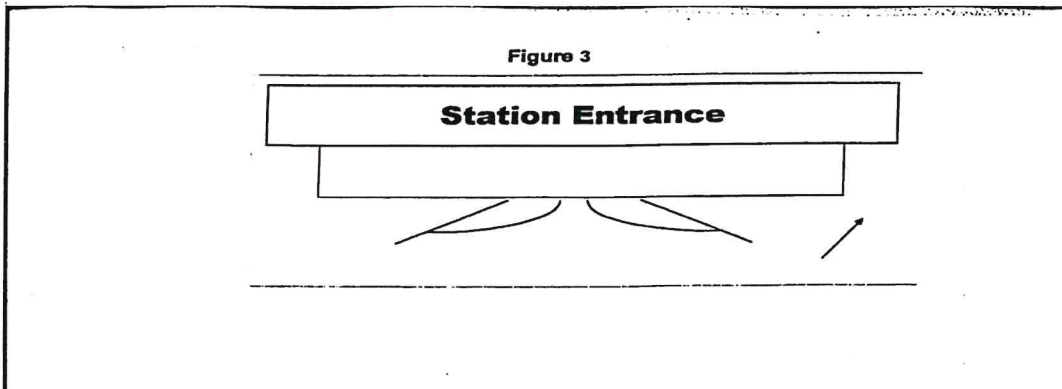
approved uses.

- ~~(1) Size and shape Figure 2.~~
- ~~(2) Base A flush type base that will accommodate the installation method as outlined in subsection (e).~~
- ~~(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 Authority.~~

~~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. (Res. 2001 62. Passed 4 24 01.)~~

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

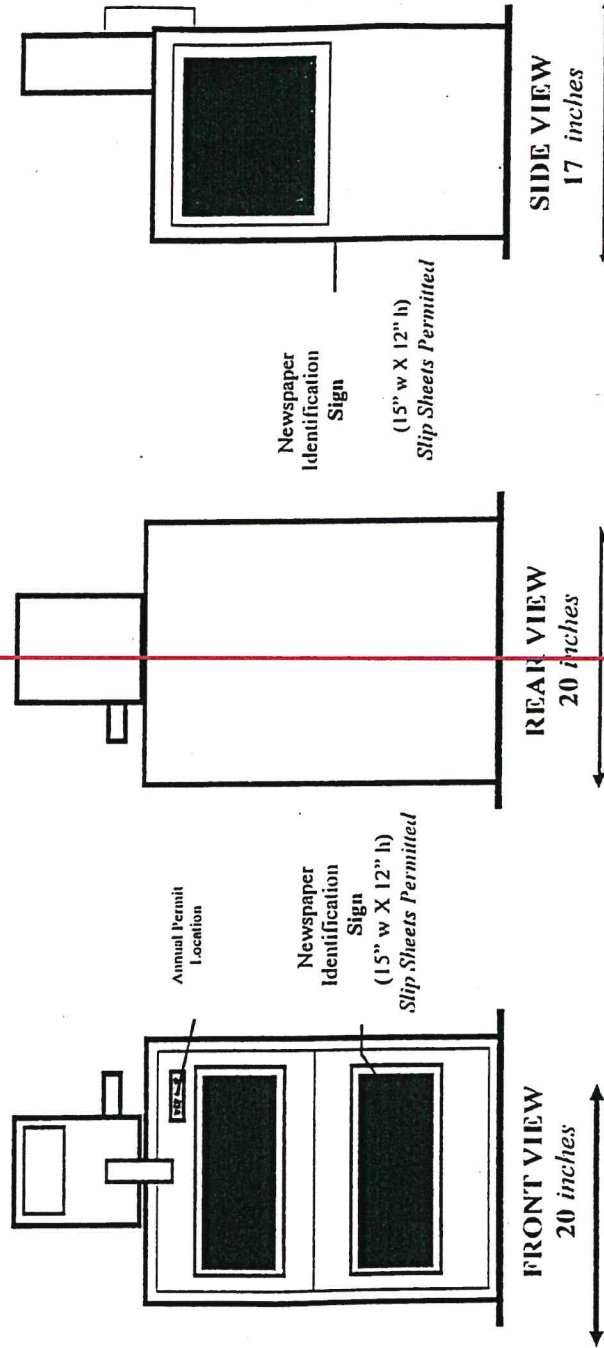


Figure 2

Attachment C to Staff Summary

CHAPTER 470
Real Estate Policies

- | | | | |
|--------|--------------------------------|---------------|--|
| 470.01 | Acquisitions of real property. | 470.07 | Limited use agreements. |
| 470.02 | Dispositions of real property. | 470.08 | Joint development agreements. |
| 470.03 | Leases. | 470.09 | Compliance with Federal <u>federal</u> regulations. |
| 470.04 | Temporary easements. | | |
| 470.05 | Permanent easements. | | |
| 470.06 | License agreements. | <u>470.10</u> | <u>Use of Authority facilities for special events.</u> |
| | | <u>470.11</u> | <u>Items intentionally placed on Authority property</u> |

CROSS REFERENCES

Powers and duties of the Authority – see R.C. 306.35

Board of Trustees - see ADM. Ch. 220

~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ - see ADM. Ch. 242

~~Use of Authority facilities for special events – see SER 1066.02~~

~~Powers and duties of the Authority – see R.C. 306.35~~

Public assembly on Authority property - see VEH. & OP. Ch. 850

Special ~~event~~Event usage~~Use of RTA Real Property and Facilities~~ - Administrative Procedure No. 042

Food sale regulations – See R.C. Chap. 3717

Cuyahoga County Board of Health Food Service License – see ccbh.net

Cleveland food sale regulations – see Cleveland Codified Ordinances Chapter 241

Lakewood food truck regulations – See Lakewood Codified Ordinances Chapter 743

470.01 ACQUISITIONS OF REAL PROPERTY.

Acquisitions of real property and eminent domain takings by the Authority~~GCRTA~~ require the recommendation of the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.02 DISPOSITIONS OF REAL PROPERTY.

Dispositions of real property require the recommendation of the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.03 LEASES.

(a) Leases of ~~GCRTA-owned~~ real property owned by the GCRTA Authority require the recommendation of the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ and the approval of the Board of Trustees for all ~~contracts-leases~~ that, originally or after amendment or other means of continuous use by another party, either exceed twenty-five thousand dollars (\$25,000) in total revenue ~~and~~ are for a term of more than three years. ~~GCRTA The Authority shall not enter into leases or temporary easements that provide for automatic renewals.~~ Leases that do not exceed with terms of three years or less and that provide total revenue less than or equal to twenty-five thousand dollars (\$25,000) may be authorized by the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ without approval by the Board of Trustees. ~~However, approval by the Board of Trustees shall be required for any means of continuous use that would involve, during the total lease, a period exceeding three years and/or total revenue in excess of twenty five thousand dollars (\$25,000).~~

(b) Leases ~~by GCRTA~~ of another party's real property by the Authority require the recommendation of the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ and the approval of the Board of Trustees for all ~~contracts~~ leases that, originally or after amendment or other means of continuous use by ~~the Authority GCRTA~~, either exceed twenty-five thousand dollars (\$25,000) in total cost ~~and/or~~ are for a term of more than three years. ~~GCRTA The Authority shall not enter into leases that provide for automatic renewals.~~ Leases that do not exceed with terms of three years or less and do not provide for total revenue in excess of twenty-five thousand dollars (\$25,000) or less in cost to the Authority may be authorized by the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ without approval by the Board of Trustees. ~~However, approval by the Board of Trustees shall be required for any means of continuous use exceeding three years and/or that would involve, during the total lease, a cost in excess of twenty five thousand dollars (\$25,000).~~

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.04 TEMPORARY EASEMENTS.

(a) The granting or acceptance of temporary easements for construction, access, use, etc. by ~~the Authority GCRTA~~ for a term ~~less than~~ of three years or less and for ~~less than~~ twenty-five thousand dollars (\$25,000) or less in cost or revenue may be authorized by the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ without approval of the Board of Trustees.

(b) The granting or acceptance of temporary easements for construction, access, use, etc. by ~~the Authority GCRTA~~ for a term ~~exceeding more than~~ three years ~~and/or for more than~~ exceeding twenty-five thousand dollars (\$25,000) in cost or revenue requires recommendation of the ~~CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ and approval of the Board of Trustees.

(Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.05 PERMANENT EASEMENTS.

(a) The conveyance or acceptance of a permanent easement by the Authority GCRTA with a value ~~less than two of ten~~ thousand ~~five hundred~~ dollars (\$~~2,500~~10,000) or less may be authorized by the CEO, General Manager/Secretary-Treasurer, Chief Executive Officer without approval of the Board of Trustees.

(b) The conveyance or acceptance of any permanent easement by the Authority GCRTA with a value ~~equal to or~~ in excess of ~~two ten~~ thousand ~~five hundred~~ dollars (\$~~2,500~~10,000); requires recommendation of the CEO, General Manager/Secretary-Treasurer, Chief Executive Officer and approval of the Board of Trustees.

(Res. 2004-02. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.06 LICENSE AGREEMENTS.

(a) License agreements governing use of the Authority's GCRTA's real property or use by the Authority GCRTA of another party's real property that, originally or after amendment or other means of continuous grant use, exceed twenty-five thousand dollars (\$25,000) in revenue or /cost or that exceed a term of three years require recommendation by the CEO, General Manager/Secretary-Treasurer, Chief Executive Officer and the approval of the Board of Trustees.

(b) License agreements that generate revenue or incur cost of less than or equal to do not exceed twenty-five thousand dollars (\$25,000) in revenue/cost and do not exceed that have a term of three years or less may be authorized by the CEO, General Manager/Secretary-Treasurer, Chief Executive Officer without approval by the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

~~470.07 LIMITED USE AGREEMENTS.~~

~~(a) Limited use agreements governing use of GCRTA the Authority's real property or use by the Authority GCRTA of another party's property that, originally or after amendment or other means of continuous grant use, exceed twenty five thousand dollars (\$25,000) in revenue or /cost or exceed a term of three years require recommendation by the CEO, General Manager/Secretary-Treasurer, Chief Executive Officer and the approval of the Board of Trustees.~~

~~(b) Limited use agreements that do not exceed twenty five thousand dollars (\$25,000) and do not exceed three years may be authorized by the CEO, General Manager/Secretary-Treasurer, Chief Executive Officer without approval by the Board of Trustees.~~

~~(c) Limited use agreements include, but are not limited to, use of Authority facilities for special events, filming agreements, permits to come upon and/or use the Authority's GCRTA real property, construction staging area permits, and temporary right-of-way permits. Special events usage agreements are governed by the Authority's GCRTA's policy on "Use of Authority Facilities for Special Events" found in Section 470.10 of this Chapter. 1066.~~

~~(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)~~

470.08470.07 JOINT DEVELOPMENT AGREEMENTS.

Joint development agreements require the recommendation of the ~~CEO~~, General Manager/~~Secretary-Treasurer~~, Chief Executive Officer and the approval of the Board of Trustees.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.09470.08 COMPLIANCE WITH FEDERAL REGULATIONS.

All real estate transactions involving ~~Federal-federal~~ funding must be reviewed to determine compliance with ~~Federal-federal~~ regulations.

(Res. 2002-98. Passed 5-21-02; Res. 2004-92. Passed 6-15-04; Res. 2010-55. Passed 8-17-10; Res. 2016-70. Passed 8-16-16.)

470.09 USE OF AUTHORITY FACILITIES FOR SPECIAL EVENTS.

(a) The Authority will permit the use of its facilities for special events sponsored by organizations and members of the community so long as the use is not inconsistent with the public's use and need of such facility. The use of Authority facilities will be subject to certain terms and conditions as set forth below.

(b) Allowing its facilities to be used for special events and activities will benefit the Authority in several ways:

- (1) Provide revenue;
- (2) Help promote the existence and attractiveness of Authority services and facilities;
- (3) Improve the Authority's public image and relations; and
- (4) Facilitate positive neighbor relations with property owners and communities adjacent to or near Authority facilities.

(c) The Authority reserves the right to deny the request of any group or organization when a proposed use is inconsistent with the public interest; when the Authority and/or general public will not benefit from the proposed use; when the Authority will be negatively impacted; or when the group or organization refuses to abide by the guidelines and requirements set forth herein.

(d) Guidelines and Requirements.

- (1) Special events will be limited to passenger facilities (i.e. transit stations, parking lots, walkways) and, on a selected basis, district bus garages and other Authority property.
- (2) Use of a facility cannot cause undue disruption to Authority operations, customers, and/or employees.
- (3) The group sponsoring the special event must agree to hold the Authority harmless from any liability resulting from the event and shall obtain insurance which names the Authority as an additional insured and in an amount to be determined by the Authority. If alcoholic beverages are to be served, then the policy

- of insurance shall include a specific liquor liability endorsement.
- (4) The sponsoring party of the special event must adhere to all rules and regulations imposed by the Authority, including insurance and fees.
 - (5) Food service and the dispensing of alcohol will be permitted provided the sponsoring group obtains and provides the Authority a copy of any required insurance, permits, and/or licenses prior to the event. The sponsoring party must provide all alcohol; B.Y.O.B. (bring your own bottle) is not permitted.
 - (6) Unlawful activities, including, but not limited to gambling, are specifically prohibited.
 - (7) The sponsoring party must apply for a permit for use of Authority property for a special event. If a permit is granted by the Authority, the sponsoring party will execute, prior to facility usage, that written permit or agreement acknowledging awareness and acceptance of all facility usage rules and regulations.
 - (8) The requirements of any applicable laws or easements, contracts or other agreements the Authority has entered into associated with a facility will take precedence over the provisions of this policy whenever appropriate in a given situation.
 - (9) Organizations may use the facility for benefits and fundraisers. These groups may sell tickets prior to the event but not on the premises or at the door unless the Authority specifically allows ticket sales on the premises for the event. The ticket, or an example of the ticket, must be submitted to and approved by the Authority prior to being sold by the organization.
 - (10) Permits issued to a sponsoring party must be used for the function stated on the permit only.
 - (11) No food or alcoholic beverages may ~~are to~~ be sold on the premises unless explicitly authorized by the General Manager, Chief Executive Officer after all necessary food and/or liquor licenses have been obtained and reviewed by the Legal Department. ~~at any time.~~
 - (12) No smoking is permitted ~~inside~~ at any Authority facility/~~structure.~~
 - (13) The sponsoring party shall sign all necessary permits and satisfy all applicable requirements of the Authority and the municipality where the facility is located.
 - (14) It will be the sponsoring party's responsibility to see that all members of their event abide by Authority rules and regulations regarding the special event. The Authority and/or local municipal authority decisions with regard to traffic, crowd control, and general welfare are final and binding.
 - (15) The General Manager, Chief Executive Officer shall assess an administrative and/or usage fee for the special event. The fee(s) may increase without notice, as determined by the discretion of the General Manager, Chief Executive Officer.
 - (16) The General Manager, Chief Executive Officer has the authority to

make reasonable exceptions to the provisions of this Policy when the best interest of the Authority or the general public would be served by doing so.

(17) The General Manager, Chief Executive Officer will determine organizational responsibility for administering this Policy.

470.10 ITEMS INTENTIONALLY PLACED ON AUTHORITY PROPERTY

It is the Authority's responsibility to maintain its facilities in a safe and clean condition and to operate efficiently and effectively. The Authority wishes to provide a pleasant environment for its riders.

It is the policy of the Authority that any item intentionally placed on Authority property must have authorization from the Authority before installation. Any item intentionally placed or left on Authority property without prior authorization must be removed immediately by the owner of the item. Otherwise, unapproved items will be removed by the Authority or its designee. The Authority will dispose of such items in accordance with the Authority's Procurement Policies Section 410.01(a)(28). This policy does not apply to lost and found items.

Attachment D to Staff Summary

CHAPTER 850
Public Assembly on Authority Property

850.01	Intent.	850.06	Time, place and manner of activities.
850.02	Application of chapter.	850.07	Denial, refusal and cancellation of permits.
850.03	Definitions.	850.08	Political campaign activity.
850.04	Permit required; application information.		
850.05	Permit: issuance; transferability; renewal; exclusions.		

CROSS REFERENCES

Unauthorized use of property - see ~~Ohio~~ R.C. 2913.04

Disorderly conduct - see ~~Ohio~~ R.C. 2917.11

Misconduct involving a public transportation system - see ~~Ohio~~ R.C. 2917.41

~~Political activity by employees - see PERS 640.03~~

Real Estate Policies - FIN Ch. 470

Use of authority facilities for special events - ~~SER 1066.02~~FIN Ch. 470.10

~~Real Estate Policies - FIN Ch. 470~~

Political activity by employees - see Personnel Policies

850.01 INTENT.

- (a) The policies and guidelines established herein are necessary in order to:
- (1) Ensure that Authority property maintains its status as a non-public forum;
 - (2) Ensure that persons seeking to exercise constitutional rights ~~to~~ freedom ~~and~~ speech, expression, and assembly on Authority property may do so within the limitations of the policies and guidelines established herein;
 - (3) Restrict the time, place, and manner of the activities described herein to designated areas of Authority property;
 - (4) Protect transit patrons using Authority property from repeated communications or encounters which may constitute harassment or intimidation of a captive audience;
 - (5) Ensure the safe, free, and orderly flow of transit patron traffic through and on Authority stations, premises, and vehicles; and
 - (6) Further the purpose of the Authority, which is to transport passengers safely and efficiently via bus and rail.

(b) A person who wishes to engage in activities governed by these policies and guidelines on or at Authority premises, stations, and vehicles, including, but not

limited to, the distribution of literature, shall be protected in accordance with these policies, provided the activities do not:

- (1) Constitute commercial activities, unless by written commercial agreement benefitting the Authority; or
 - (2) Interfere with the transportation function or safe operation of the Authority stations, premises, or vehicles.
- (Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.02 APPLICATION OF CHAPTER.

The policies and guidelines established herein apply to all persons using Authority premises, stations, vehicles, or other Authority property, whether Authority employees or members of the public, including, but not limited to, Authority visitors, delivery persons, contractors, and agents for the following activities:

- (a) Commercial Activity. A person may not engage in any commercial activity on Authority stations and premises except by written commercial agreement ~~benefitting~~benefiting the Authority. Other commercial activity is expressly prohibited on Authority property.
 - (b) Non-Commercial Free Speech Activity. As a non-public forum, the Authority has authority to limit free speech activities on its property. A person desiring to exercise constitutional freedoms, including, but not limited to, the distribution of literature or solicitation of funds, on, in, within, or about Authority property shall first obtain a written permit for these activities from the Authority. Free speech activities may be exercised only in accordance with the restrictions designated in the permit.
- (Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.03 DEFINITIONS.

For the purposes of this policy, the following terms have the meanings indicated:

- (a) "Authority property" means all property owned, leased, operated, or controlled by the Authority in connection with public transit activities, including, but not limited to, all ~~buses, rail cars~~vehicles used for transporting passengers, station areas, entrances, platforms, plazas, escalators, elevators, stairways, parking lots, transfer points; ~~rapid transit vehicles~~, and other rapid stations.
- (b) "Authorized" means acting pursuant to a written contract, permit, or other evidence of right issued by the Authority.
- (c) "Commercial activity" means any activity undertaken for profit, including, but not limited to, the sale, provision, advertisement, or display of goods or services; the exchanging, trading, buying, hiring, soliciting, or peddling of commodities, goods, money, services, or property of any kind; or any other revenue producing activity.
- (d) "Emergency situation" means any event creating a condition or circumstance that interferes with the safe or efficient operation of the Authority system, or other conditions or circumstances as may be determined by the Authority to endanger the health, safety, and welfare of persons on or upon Authority property.
- (e) "Free speech activity" means any manner of exercising constitutionally

protected freedoms of religion, speech, press, and assembly, including, but not limited to, campaigning for political candidates and issues.

- (f) "Person" means any individual, organization, firm, partnership, corporation, company, association, or joint stock association, and includes the trustee, receiver, committee, assignee, or other representative thereof.
- (g) "Transit patron" means a person in or upon Authority property for the purpose of using Authority public transportation service available at that site.
- (h) "Vehicle" means all ~~buses and rapid transit cars~~ vehicles used for transporting passengers owned by and/or operated by the Authority.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.04 PERMIT REQUIRED; APPLICATION INFORMATION.

All persons desiring to use Authority property for non-commercial free speech activities governed by these policies and guidelines shall submit to the General Manager/Secretary-Treasurer of the Authority, or his or her designee, a written request in a form prescribed by the Authority setting forth at least the following:

- (a) The full name, mailing address, and telephone number of the entity/person sponsoring, promoting, or conducting the proposed activity;
- (b) A description of the proposed activity, indicating the type of communication to be involved;
- (c) The dates and hours during which the activity is proposed to be carried out;
- (d) The number of persons to be engaged in the activity;
- (e) The specific area of Authority property in which the proposed activity is planned; and
- (f) Whether handbills, leaflets, circulars, or other printed material will be distributed.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.05 PERMIT: ISSUANCE; TRANSFERABILITY; RENEWAL; EXCLUSIONS.

(a) Upon receipt of a permit application containing the required information, as stated above, the Authority will issue a permit to the applicant, subject to the limitations set forth herein. The Authority will not exercise judgment regarding the ~~purpose or~~ content of the activity or the viewpoints that are expressed.

(b) Permits to use Authority property, if granted, will be issued on a first-come, first-served basis. As used herein, "first come" means the person who has first completed the procedural guidelines set forth herein.

(c) Permits are not transferable or assignable.

(d) The permit shall authorize the holder to conduct the activity for the date and duration of time defined in the permit.

(e) Permits may not be extended or renewed.

(f) Each permit shall specify the area, station, or property where the activity shall take place.

(g) The Authority reserves the right to cancel any permit, with or without advance notice to the permit holder.

(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.06 TIME, PLACE AND MANNER OF ACTIVITIES.

(a) Time Regulations. A permit holder shall conduct the free speech activity only during the hour(s) prescribed in the permit.

(b) Place Regulations.

- (1) Free speech activity may only be conducted in the area specifically prescribed in the permit. In no circumstance shall a permit be issued for activity on transit platforms or "in revenue service" transit vehicles.
- (2) Free speech activity is specifically prohibited in any area that obstructs the safe, efficient, free, and orderly flow of passengers' ingress or egress or the operation of Authority business transactions.

(c) Manner Regulations.

- (1) Free speech activity shall be conducted only in a conversational tone.
- (2) The permit holder shall, upon request of an Authority employee, transit police officer, or other law enforcement official, display the permit.
- (3) In conducting free speech activity, a person may not:
 - A. Obstruct, delay, or interfere with the free movement of any other person or seek to coerce or physically disturb any other person;
 - B. Use any sound or voice-amplifying apparatus on Authority property;
 - C. Conduct any activity in a misleading or fraudulent manner;
 - D. Erect a table, booth, or other structure unless approval is designated in the permit;
 - E. Intentionally touch or make physical contact with another person unless that person has consented to physical contact; and
 - F. Repeatedly attempt to distribute written or printed material to or solicit funds from another person when that other person has indicated to the solicitor that he or she is unreceptive.
- (4) If printed material or other object is handed out, the individual designated as the permit holder shall accept the responsibility of cleaning up or paying for the clean-up of any material or objects left on Authority property. A deposit may be required for this purpose.
- (5) The failure of permit holder to remove all material that the permit holder brought onto Authority property may be grounds for refusal to grant future permits.
- (6) The Authority will require the permit holder, or other person designated as the responsible party in the permit, to post insurance before free speech activity may commence. In determining the amount of insurance, the Authority will consider, among other factors, the extent to which the proposed activity increases the Authority's risk of liability.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.07 DENIAL, REFUSAL AND CANCELLATION OF PERMITS.

An application for a permit shall be denied and/or canceled if one or more of the following occurs:

- (a) One or more of the statements in the permit application is untrue;
- (b) The applicant has not furnished all the information required for the permit;

- (c) An earlier-filed permit was granted for the same time and place;
 - (d) A breach or violation of any provision of this chapter occurs, including, but not limited to, failure to demonstrate evidence of requisite insurance; and/or
 - (e) A review of the permit application indicates that the activity cannot be conducted without violating this chapter.
- (Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)

850.08 POLITICAL CAMPAIGN ACTIVITY.

(a) A permit is required for political campaign activity. A permit will only be issued on a first-come, first-served basis for one campaign sponsor/candidate at any location, accompanied by one assistant.

(b) All time, place, and manner regulations cited above, in Section 850.06, are applicable.

(c) All restrictions and ~~fees and procedures~~ contained in Section 470.09 Use of Authority Facilities for the Special Events, Usage Policy, Chapter 1066, are applicable.
(Res. 1996-57. Passed 4-16-96; Res. 2010-53. Passed 8-17-10.)