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YORK REGION TRANSIT
NEWSPAPER BOXES AT TRANSIT FACILITIES

The Transit Committee recommends the adoption of the recommendations contained in the following report, June 6, 2006 , from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. York Region Transit (YRT) staff be authorized to circulate this report to the local municipalities for their comments by September 16, 2006, and to initiate a joint approach to the licensing and placement of newspaper boxes on both municipal and Regional road allowances in York Region, in particular, in the vicinity of YRT bus stops and Viva stations.

2. Staff report back to Transit Committee with further recommendations to control the placement of newspaper boxes at transit bus stops and Viva stations throughout the Region.

2. PURPOSE

York Region Transit is seeking authorization to circulate this report to the local municipalities in order to obtain their comments with regards to the licensing of newspaper boxes on both Region and municipal road allowances. It is the intention of York Region staff to coordinate a joint approach for the licensing and placement of newspaper boxes on all York Region road allowances.

3. BACKGROUND

Newspaper boxes are being placed at the discretion of the newspaper publishers within the vicinity of YRT conventional bus stops and Viva stations without the approval of the Region. The Region, under the Municipal Act, has the right to regulate property under its jurisdiction and can choose to remove the boxes entirely. The unlicensed newspaper boxes expose the Region to the risk of liability and aesthetically they create a disorderly appearance.

In order to provide barrier free bus stops and stations in accordance with the Region's Accessibility Plan and YRT's commitment to the plan, and to continue to provide customers with transit supportive amenities such as, bus shelters, waste/recycling containers and bicycle racks, it has become increasing difficult for staff to provide for all

these demands within the confines of a typical transit stop. Physical space available at bus stops and Viva stations is limited, therefore, it is important that each site is organized to a standard.

3.1 Region of York and Town of Richmond Hill Pilot

York Region's Roads Operations branch is participating in a one-year pilot program with the Town of Richmond Hill that authorizes the Town to issue and enforce licences for the installation of newspaper boxes on Regional road allowances within the Town of Richmond Hill's limits.

4. ANALYSIS AND OPTIONS

With the introduction of an increasing number of newspapers and intense competition between free and paid daily/weekly publications, the on-street environment in the vicinity of some YRT facilities has become cluttered with newspaper boxes. YRT facilities are attractive locations for the publishers to place newspaper boxes due to the volumes of people who gather at these sites daily. This accumulation of newspaper boxes has resulted in the following problems:

- There are too many boxes occupying the area around the bus stop and the numbers are growing
- The aesthetics of the boxes presents a real challenge to the appearance of YRT bus stops
- The boxes can interfere with snow clearing when positioned incorrectly
- Passenger circulation and maintenance of bus stops is obstructed
- The users of the boxes create a litter problem

YRT does not have agreements with any of the newspaper companies for the placement of their boxes in the vicinity of its facilities and does not receive any revenue. YRT staff has been responsible for on-going cleanup of litter, picking up of fallen boxes and the relocation of boxes when necessary for maintenance purposes.

4.1 York Region Approval

Currently, apart from the pilot project in Richmond Hill, York Region does not have any formal arrangement for the licensing and placement of newspaper boxes on Regional road allowances. The Region does have the right to remove all boxes located within the Region's road allowance. If staff chooses not to remove the boxes, we expose the Region to the potential liability created by them.

The transit by-law, R-1415-2005-028, is not specific to the licensing or placement of newspaper boxes at bus stops, Viva stations or terminals, but does contain a provision (Section 3.14), disallowing the distribution of materials at transit facilities without approval.

4.2 Local Municipal By-laws

Staff surveyed all of York Region's municipalities to find out whether or not they had a by-law for the licensing of newspaper boxes. The result of the survey was that of the nine municipalities, only three have enacted by-laws. They are the Towns of Richmond Hill and Newmarket and the City of Vaughan. The other municipalities stated that approval is required any event. The three existing by-laws contain similar clauses pertaining to annual licensing fees, insurance, installation and removal specifications, and in each case, do provide some transit specific clauses.

The licensing fees listed in each of the three municipal by-laws ranges from $25 to $50 per box per year. In addition to the annual licensing fee, inspection, removal due to contravention of the by-law, and hitching post installation fees, are included.

The transit specific clauses include:

- Distance of newspaper box placement from bus stops
- No placement shall obstruct visibility of any advertising panel on a transit shelter
- No placement shall be placed at a transit stop in such a manner as to interfere or obstruct passenger movement
- No placement shall be inside a transit shelter
- No placement shall be closer than 2.0 meters from a transit passenger shelter or bench

Local municipalities do not have the authority to license newspaper boxes on the Region's property without approval from Regional Council for the encroachment.

4.3 Surrounding GTA Municipal By-laws and other Transit Agencies

Staff also surveyed the City's of Brampton, Mississauga, Hamilton as well as OC Transpo in Ottawa, TTC and Vancouver's Translink. All have enacted by-laws that include licensing fees that range from $18 to $65 per box per year and as high as $150 per box per year for premium locations. Inspection fees, removal due to contravention of the by-law and storage fees are also included.

Transit specific clauses include:

- No placement of newspaper box within 50 feet of bus stop without municipal permission
- No placement shall be made at a transit stop in such a manner as to interfere or obstruct passenger movement.
- No placement shall be inside a transit shelter
- No placement closer than 2.0 meters from a transit passenger shelter or bench
- No boxes to interfere with passenger activities at bus stops
- No placement shall interfere with the loading and unloading activities at bus stops

4.4 York Region/Town of Richmond Hill Newspaper Licensing Pilot

In a report prepared by the Region's Roads Operations branch to Regional Council on September 22, 2005, it was stated that many municipalities have responded to the newspaper box proliferation by enacting newspaper box by-laws which permit the boxes to be placed on public property if certain criteria are met. Typically, the municipality regulates the number, location and design of the concrete base and securing mechanism. It was recommended by staff that the Region enter into an agreement with the Town of Richmond Hill for a one year trial period that would permit the Town to issue permits, based on their by-law, to include Region road allowances. York Region bus stops and Viva stations where noted in the report. YRT has not participated in the pilot to date but has now contacted Town staff and will be working with them to establish and implement an approval process.

Successes of the Town of Richmond Hill by-law since its enactment on July 25, 2005, include the issuance of 100 permits, the removal of newspaper boxes that contravene the by-law, distributor awareness of the program and the requirement to licence the boxes. Improved Town and newspaper/distributor relationships have also been achieved.

During the past year Town staff have been preparing for the installation of concrete pads and hitching posts at locations within Region road allowances, primarily bus stops and Viva stations, and are now ready for the Region to begin their review of these locations.

Upon Regional Council approval to proceed with the an arrangement/protocol between the Region and the Town, the Town's Engineering and By-law Enforcement staff and Region staff will begin to install the necessary concrete pads and hitching posts, and will formalize the approval process.

4.5 Relationship to Vision 2026

Providing our customers with barrier free and aesthetically pleasing transit facilities and at the same time giving them the amenities they want, supports the goal of Vision 2026, "Infrastructure for a Growing Region" and in particular promotes the action item "transit usage as a practical and wise alternative to private vehicle use".

5. FINANCIAL IMPLICATIONS

It is anticipated that there will be no financial impact on the Region. The cost of administration and enforcement would be the responsibility of the local municipalities. Revenue generated by licensing fees and fines will offset the municipal costs.

6. LOCAL MUNICIPAL IMPACT

The local municipalities would be requested to enact a by-law or establish a protocol that includes Region road allowances for the licensing and placement of newspaper boxes

where one does not already exist, or amend their existing by-law to include YRT required provisions.

The administration and enforcement of the by-law would be the responsibility of the local municipality. The municipality would accept and process the applications and would be responsible for the installation of the securing apparatus in accordance with a YRT standard, monitoring the installation of the newspaper boxes and enforcing violations against the by-law.

The local municipalities will fund their administrative and enforcement costs from fees and fines stipulated in the by-law.

York Region staff would participate in the approval process where applications are received by the municipality pertaining to Region road allowances. Region staff would assist in the enforcement of the by-law by reporting violations to the municipality.

A coordinated effort in licensing the proliferation of newspaper boxes in the vicinity of the bus stops will result in aesthetic, safety and maintenance improvements to our communities.

7. CONCLUSION

York Region Transit will partner with the Town of Richmond Hill and York Region's Roads Operations branch, through the one year trial period previously approved by Regional Council, to address the issue of licensing and placement of newspaper boxes on Regional and municipal road allowances within the limits of the Town of Richmond Hill.

While participating in the pilot with the Town of Richmond Hill, staff will communicate to the other local municipalities the information in this report for the purpose of initiating a joint approach to the licensing and placement of newspaper boxes on both municipal and Regional road allowances in York Region.

The Senior Management Group has reviewed this report.