



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

8/30/2022

Subject:

Revision to Board Policy BCC-72, "Placement of Bus Benches and Bus Shelters in the Rights of Way"

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

Board approval of revision to BCC-72, "Placement of Bus Benches and Bus Shelters in the Rights of Way"

Summary Explanation and Background:

BCC-72 has been updated and modernized to meet potential needs in relation to entities which may desire to place bus benches and/or shelters in rights of way and associated advertisements, as well as to meet requirements of the Florida Administrative Code.

The most significant proposed change to BCC-72 is the addition of a requirement to notify abutting property owners of advertisements to be placed on the bus benches or shelters. This requirement is borne from Ch. 14-20.002, Florida Administrative Code, which states that "The owner of abutting property shall be notified by certified mail of the proposed shelter location if there will be advertising."

The proposed amendment is a collaboration of Planning & Development, Public Works, Transit Services, and County Attorney Office.

Clerk to the Board Instructions:

Return fully executed copy to the Planning and Development Department



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August 31, 2022

M E M O R A N D U M

TO: Frank Abbate, County Manager

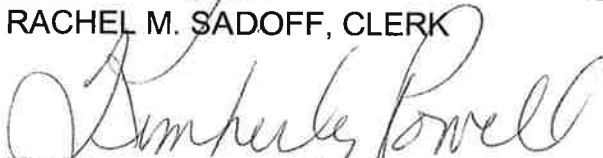
RE: Item F.6., Revision to Board Policy BCC-72, "Placement of Bus Benches and Bus Shelters in the Rights of Way"

The Board of County Commissioners, in regular session on August 30, 2022, approved the revision to Board Policy BCC-72, "Placement of Bus Benches and Bus Shelters in the Rights of Way". Enclosed is a fully-executed Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encl: (1)

cc: County Attorney
Public Works
Transit Services
Planning and Development



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-72
Cancels: November 17, 2009
Approved: August 30, 2022
Originator: Transit
Review: August 30, 2025

TITLE: Placement of Bus Benches and Bus Shelters in the Rights of Way

I. Objective

To promulgate requirements to regulate the placement of bus benches and shelters in rights-of-way by Contractors in the unincorporated area of Brevard County, Florida (hereinafter referred to as "the County")

II. Definitions and references

- A. Bus Bench – Means a long seat designed for seating two or more persons and any additional amenities including, but not limited to, waste receptacles, bike racks, and light poles, which is placed at a designated bus stop.
- B. Bus Shelter – Means a structure with a roof and any additional amenities including, but not limited to, waste receptacles, bike racks, and light poles which is placed at a designated bus stop.
- C. Designated Bus Stop – Means a location along a Space Coast Area Transit bus route marked by a bus stop sign approved by Space Coast Area Transit.
- D. Section 337.408, Florida Statutes – Regulations of bus stops, transit shelters, street light poles, waste disposal receptacles, modular news rack, and benches within rights of way.
- E. Chapter 14-20.0032, Florida Administrative Code, "Placement of Benches."
- F. Chapter 14-20.003, Florida Administrative Code, "Placement of Shelters."
- G. Section 62-3309, Brevard County Code of Ordinances, "Prohibited Signs."
- H. AO-66, Placement of Bus Benches and Shelters in Rights of Way.

III. Restrictions

- A. No Person, firm, corporation or other entity (hereinafter referred to as the "Contractor") shall place a bus bench or shelter within any County maintained right-

of-way without an agreement with the Board of County Commissioners authorizing said Contractor to place a bus bench or shelter within rights-of-way in the County. Said agreement shall be in accordance with AO-66, "Placement of Bus Benches and Shelters in Rights of Way," or its successor.

- B. Bus shelters and benches shall be permitted at designated bus stops as approved by the Transit director or his/her designee.
- C. No advertisement which competes with the business of the directly adjoining owner(s) shall be placed. No bus benches and/or shelters, or associated advertisements, shall be placed without notifying the abutting property owners by certified mail.
- D. Bus shelters and benches shall not be permitted in locations where, in the determination of the Public Works Department, they will adversely affect the safety of motorists, bicyclists, or pedestrians.
- E. Contractor shall construct all bus bench and shelter pads, any applicable ramps, as needed, to meet all federal, state, and local laws, including accessibility requirements under the Americans with Disabilities Act.
- F. Bus shelters and benches shall only be allowed in State of Florida rights-of-way with the written approval of the Transit Director or his/her designee.
- G. Bus benches or shelters placed under an existing agreement with Brevard County, located on rights-of-way or permitted prior to March 10, 1998 that meets maintenance requirements shall be exempt from the provisions of subsection B. and E. of this section.
- H. No bus bench or shelter shall be placed within a right-of-way until a permit for the placement of such bus bench has been issued by the County.
- I. The proposed bench or shelter location must meet the criteria set forth in Chapter 14-20.003, "Placement of Shelters," and 14-20.0032, "Placement of Benches," Florida Administrative Code.
- J. Contractors shall be responsible for maintaining all Contractor installed bus benches and shelters and trash collection in accordance with procedures authorized by the County.

IV. Repair or Removal

Any bus shelter or bench that does not meet the requirements of this Board Policy or Brevard County Administrative Orders as authorized by the County Manager or designee shall be repaired or removed at owner's expense.

V. Reservation of Authority

The authority to issue or revise this policy is reserved by the Board of County Commissioners.



Rachel Sadoff, Clerk

Kristine Zonka, Chair
Board of County Commissioners

As approved by the Board on Aug. 30, 2022



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-72
Cancels: November 17, 2009 July 11, 2006
Approved: August 30, 2022 November 17, 2009
Originator: Transit
Review: August 30, 2025 November 17, 2012

TITLE: Placement of Bus Benches and Bus Shelters in the Rights of Way

I. Objective

To promulgate requirements to regulate the placement of bus benches and shelters in rights-of-way by Contractors in the unincorporated area of Brevard County, Florida (hereinafter referred to as "the County")

II. Definitions and references

- A. Bus Bench – Means a long seat designed for seating two or more persons and any additional amenities including, but not limited to, waste receptacles, bike racks, and light poles, which is placed along a regular designated bus route at transit stops. Florida Administrative Code, Chapter 14-20.0032, "Placement of Transit Bus Benches," provides for benches to be placed where, in the judgment of the appropriate City or County government, such seating would serve a public interest and comply with all requirements placed upon transit benches in rule 14-20.0032.
- B. Bus Shelter – Refers to Means a structure with a roof and a minimum of two side panels and any additional amenities including, but not limited to, waste receptacles, bike racks, and light poles with seating for two or more persons which is placed at a designated bus stop deemed appropriate by the County for benches or shelters.
- B.C. Designated Bus Stop – Means a location along a Space Coast Area Transit bus route marked by a bus stop sign approved by Space Coast Area Transit.
- C.D. Section 337.408, Florida Statutes – Regulations of bus stops, transit shelters, street light poles, waste disposal receptacles, modular news rack, and benches benches, shelters, and C waste disposal receptacles within rights of way.
- E. Chapter 14-20.0032, Florida Administrative Code, "Placement of Transit Bus Benches," Florida Administrative Code – Private Use of Rights-of-Way.

F. Chapter 14-20.003, Florida Administrative Code, "Placement of Shelters."

G. Section 62-3309, Brevard County Code of Ordinances, "Prohibited Signs."

D.H. AO-66, Placement of Bus Benches and Shelters in Rights of Way.

E. Designated Bus Stop — A location along a Space Coast Area Transit bus route marked by a bus stop sign and listed on a public bus rout schedule or other schedule sanctioned by Space Coast Area Transit. This would *not* include a flag stop whereby a passenger may stop the bus any where along the route for which it is safe for a bus to stop.

III. Restrictions

A. No Person, firm, corporation or other entity (hereinafter referred to as the "SponsorContractor") shall place a bus bench or shelter within any County maintained right-of-way in the County without an agreement with the Board of County Commissioners authorizing said sponsorContractor to place a bus benches or shelter within rights-of-way in the County. Said agreement shall be in accordance with AO-66, "Placement of Bus Benches and Shelters in Rights of Way," or its successor.

B. Bus shelters and benches shall be permitted at designated bus stops along existing Space Coast Area Transit bus routes which are deemed appropriate by the County as approved by the Transit director or his/her designee.

C. Benches and shelters will only be permitted with the written approval of the directly adjoining property owner(s).

D.C. No advertisement which competes with the business of the directly adjoining owner(s) shall be placed. No bus benches and/or shelters, or associated advertisements, shall be placed without notifying the abutting property owners by certified mail.

E. The sponsor must obtain written consent from the directly adjoining owner(s) for the advertising copy.

D. Bus shelters and benches shall not be permitted in locations where, in the opinion determination of the of the County Manager or designee Public Works Department, they will adversely affect the safety of motorists, bicyclists, or pedestrians.

F.E. Contractor shall construct all bus bench and shelter pads, any applicable ramps, as needed, to meet all federal, state, and local laws, including accessibility requirements under the Americans with Disabilities Act.

G.F. Bus shelters and benches shall only be permitted-allowed in State of Florida rights-of-way with the written approval of the County Manager Transit Director or his/her designee.

~~H. No more than one bus shelter and/or bench may be placed at each location.~~

~~I.G. _____~~ Bus benches or shelters placed under an existing agreement with Brevard County, located on rights-of-way or permitted prior to March 10, 1998 that meets maintenance requirements shall be exempt from the provisions of subsection B. and GE. of this section.

~~J.H. _____~~ No bus bench or shelter shall be placed within a right-of-way until a permit for the placement of such bus bench has been issued by the County ~~Manager or~~ designee.

~~K.I. _____~~ The proposed bench or shelter location must meet the criteria set forth in Chapter 14-20.003, "Placement of Shelters," and 14-20.0032, "Placement of Transit Bus Benches," Florida Administrative Code.

~~L.J. _____~~ Any ~~Sponsor~~Contractors shall be responsible for maintaining all Contractor installed ~~each of its~~ bus benches and shelters and trash collection in accordance with procedures authorized by the County ~~Manager or~~ designee.

IV. Repair or Removal

Any bus shelter or bench that does not meet the requirements of this Board Policy or Brevard County Administrative Orders as authorized by the County Manager or designee shall be repaired or removed at owner's expense.

V. Reservation of Authority

The authority to issue or revise this policy is reserved by the Board of County Commissioners.

Scott-Ellis Rachel Sadoff, Clerk

Kristine Isnardi Zonka, Chair
Board of County Commissioners

As approved by the Board on November 17,

2009, 2022