



Legislation Text

File #: 0305-2015, **Version:** 1

1. Background: The City has determined that the design and implementation of public improvements directly affect the public health, safety and welfare of citizens who are utilizing the streets, roadways and other public properties and impact the aesthetic character of the City. The City of Columbus has made significant investments for the relocation and burial of previously existing overhead utilities lines in the Downtown District as a part of various roadway improvement projects completed within the area. As a result, the Public Service Department is recommending that City Council create the "Downtown Underground Utility District" in order to protect the City's investment and perpetually maintain the resulting aesthetic improvement of these roadways. The Downtown Utility District excludes the previously designated Arena and Pen West Underground Utility Districts and is bounded and described as follows:

Beginning at the intersection of Interstate 70 and the western bank of the Scioto River;
Thence northeasterly along the Scioto River to the first railroad Right-of-Way;
Thence northerly along said railroad Right-of-Way to the first intersecting railroad Right-of-Way;
Thence westerly along said railroad Right-of-Way to the intersection of State Route 315;
Thence northerly along State Route 315 to the intersection of Interstate 670;
Thence easterly along Interstate 670 to the intersection of Interstate 71;
Thence southerly along Interstate 71 to the intersection of Interstate 70;
Thence westerly along Interstate 70 to the place of beginning.

The creation of this utility district will prohibit the future installation of overhead utility lines, wires, cables, transformers, or other appurtenances, including transverse crossings of the City rights-of-way, and other above ground utility features. This prohibition shall be extended to all parties intending to install utilities within this district, including those owned and operated by the City of Columbus, with the exception of luminaries, traffic signals, streetlight poles, safety cameras, and traffic signals. However, the short term temporary installation of overhead and/or above ground utility features will be allowed to provide emergency service, but shall be removed at the earliest moment possible.

Those limited number of existing overhead or above-ground utilities that remain within this district shall be directed to place their facilities underground or be relocated overhead outside of the designated district during construction of various improvement projects in the City of Columbus rights-of way; and further, new poles are not allowed where facilities have been undergrounded.

Those existing overhead utilities providing service to any new customers within this district shall be directed by the City to install these underground. If an existing overhead utility line is available adjacent to the property, a pole can be placed to riser up to the existing lines. Overhead utilities shall be required to be placed underground in the event of construction improvement projects in the City of Columbus rights-of-way. Those utilities not existing overhead but wanting to serve new customers shall be directed to install their infrastructure underground.

The City has adopted similar districts such as the Four Corners Underground Utility District (ord. 1823-2002), High Street/Lane Avenue Underground Utility District (ord. 0558-2005), Arena Underground Utility District (ord. 0076-2007), Pen West Underground Utility District (ord.0078-2007), and the West Third Avenue - Grandview Yard (ord. 2977-2013).

2. Fiscal Impact: There is no direct fiscal impact associated with the passage of this ordinance; however, the creation of this district will protect the City's previous investment to place utilities underground within the district.

To establish an underground utilities district to be identified as the "Downtown Underground Utility District". (\$0.00)

WHEREAS, the City of Columbus, Ohio is concerned with the use of the various Right-of-Way areas in the City as such Right-of-Way areas are a valuable and limited resource which must be utilized to promote the public health, safety and welfare including the economic development of the City; and

WHEREAS, changes in the public utilities and communication industries have increased the demand and need for access to Right-of-Way and placement of facilities and structures; and

WHEREAS, it is necessary to comprehensively regulate access to, and structures and facilities in, the Right-of-Way to promote efficiency, discourage uneconomic duplication of facilities, minimize the public inconvenience of uncoordinated work in the Right-of-Way, protect the City's investment in relocation of the existing overhead utilities and promote public safety; and

WHEREAS, the City has the right under the laws and Constitution of the State of Ohio, including Article 18, Sections 3 and 4, to regulate public and private entities which use the Right-of-Way; and

WHEREAS, the City has determined that the design and implementation of public improvements directly affect the public health, safety and welfare of citizens who are utilizing the streets, roadways and other public properties as well as the aesthetic character of the City; and

WHEREAS, the Public Service Department has recommended that the City consider the creation of specific "Underground Utility Districts" (i.e., Four Corners, Ordinance No. 1823-2002, passed 12/02/2002; High Street/Lane Avenue, Ordinance No. 0558-2005, passed 6/9/2005, Arena District Underground Utilities District, Ordinance 0076-2007, passed 4/25/2007, Pen West Underground Utilities District, Ordinance 0078-2007, passed 4/25/2007, West Third Avenue - Grandview Yard Underground Utilities District Ordinance 2977-2013, passed 2/10/14; and

WHEREAS, the creation of an "Underground Utility District" will allow the City to protect any investments already incurred to move utilities underground as a part of a roadway or other construction project; and

WHEREAS, the creation of an "Underground Utility District" will prevent future permanent installations of overhead lines, wires cables, transformers or other appurtenances, including transverse crossings, and other above ground utility features, within the area so designated, although the short term temporary placement of overhead or above ground utilities will be allowed to provide emergency service; and

WHEREAS, those limited number of existing overhead or above ground utilities that remain within this district shall be directed to place their facilities underground or be relocated overhead outside of the designated district during construction of various improvement projects in the City of Columbus rights-of way; and further, new poles are not allowed where facilities have been undergrounded; and

WHEREAS, those existing overhead utilities providing service to any new customers within this district shall be directed by the City to install these underground. If an existing overhead utility line is available adjacent to the property, a pole can be placed to riser up to the existing lines. Overhead utilities shall be required to be placed underground in the event of construction improvement projects in the City of Columbus rights-of-way. Those utilities not existing overhead but wanting to serve new customers shall be directed to install their infrastructure underground; and

WHEREAS, this prohibition shall be extended to all parties intending to install utilities within this district, including those owned and operated by the City of Columbus, with the exception of luminaries, streetlight poles, safety cameras and traffic controls; and

WHEREAS, the installation of facilities underground shall be performed in accordance with accepted standards of utility practice for underground construction; and

WHEREAS, this legislation creates an "Underground Utilities District" to be known as the Downtown Underground Utilities District"; and

WHEREAS, the Downtown Underground Utilities District shall encompass the following area:

Beginning at the intersection of Interstate 70 and the western bank of the Scioto River;
Thence northeasterly along the Scioto River to the first railroad Right-of-Way;
Thence northerly along said railroad Right-of-Way to the first intersecting railroad Right-of-Way;
Thence westerly along said railroad Right-of-Way to the intersection of State Route 315;
Thence northerly along State Route 315 to the intersection of Interstate 670;
Thence easterly along Interstate 670 to the intersection of Interstate 71;
Thence southerly along Interstate 71 to the intersection of Interstate 70;
Thence westerly along Interstate 70 to the place of beginning.

WHEREAS, the City has, and is currently continuing its efforts to relocate overhead utilities underground within this area; and

WHEREAS, the limited number of existing overhead or above ground utilities that remain within this district after the various improvement projects have been completed may be maintained at their current location and remain indefinitely in their current form; however, new poles are not allowed where facilities have been undergrounded; and

WHEREAS, with the passage of this ordinance, no new overhead or above ground utilities will be permitted within this area with the exception of luminaries, streetlight poles, safety cameras and traffic controls; now, therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That an Underground Utility District to be known as the "Downtown Underground Utilities District" is hereby established.

Section 2. That this new district shall encompass an area generally described as follows:

Beginning at the intersection of Interstate 70 and the western bank of the Scioto River;
Thence northeasterly along the Scioto River to the first railroad Right-of-Way;
Thence northerly along said railroad Right-of-Way to the first intersecting railroad Right-of-Way;
Thence westerly along said railroad Right-of-Way to the intersection of State Route 315;
Thence northerly along State Route 315 to the intersection of Interstate 670;
Thence easterly along Interstate 670 to the intersection of Interstate 71;
Thence southerly along Interstate 71 to the intersection of Interstate 70;
Thence westerly along Interstate 70 to the place of beginning.

Section 3. That the creation of this underground utility district will require that all new utilities desiring to locate within these perimeters be placed underground, with the exception of luminaries, streetlight poles, safety cameras and traffic signals;

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.