



Legislation Text

File #: 2173-2018, Version: 1

1. BACKGROUND:

In 2016, the City won the Smart City Challenge resulting in the award of up to \$40 million in federal funds from USDOT and up to \$10 million in private grant funding from Paul G. Allen Philanthropies to assist in implementation of the City's proposal to demonstrate how advanced data and intelligent transportation systems (ITS) technologies and applications can be used to reduce congestion, keep travelers safe, protect the environment, respond to climate change, connect underserved communities, and support economic vitality.

This legislation authorizes the Director of Public Service to execute agreements with Electrify America, LLC relative to the installation, operation, and maintenance of electric vehicle charging stations, and other appurtenances (the "Equipment") within the public rights-of-way of the City of Columbus.

The purpose of this ordinance is to authorize the Director of the Department of Public Service to enter into agreements with Electrify America, LLC, a Delaware limited liability company (Electrify America).

Any monies designated for receipt by the Department of Public Service from Electrify America, LLC for this project shall be dispersed per the terms of the agreements executed with Electrify, LLC.

The legislation also authorizes the waiver of those sections of Columbus City Code that prohibit the placement of equipment within the public rights-of-way. That waiver is only for the Equipment that is to be installed by Electrify America under these agreements.

2. FISCAL IMPACT

There are no immediate costs to the City associated with these agreements and any City financial commitment is contingent upon and subject to future authorization by Council through the adoption of appropriate legislation.

3. EMERGENCY JUSTIFICATION

Emergency action is requested to allow the Equipment to be installed as soon as possible, enhancing the visitor experience to the City. This action will allow the Department of Public Service to enter into agreements, thereby allowing the construction of the charging stations to occur without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of Public Service to enter into agreements with Electrify America, LLC relative to the installation, operation, and maintenance of electric vehicle charging stations and appurtenances within the City of Columbus; to waive those sections of Columbus City Code that prohibit the placement of equipment and advertising within the public rights-of-way to the extent that those provisions may be applicable to the placement, operation, and maintenance of the Equipment pursuant to this legislation; to authorize the Director of Public Service to accept and disburse its share of net advertising fees generated by Electrify America for the sale or placement of advertising on the Equipment within the City; and to declare an emergency. (\$0.00)

WHEREAS, on December 7, 2015, the U.S. Department of Transportation (USDOT) announced the Smart City Challenge, a collaborative effort by USDOT and the Paul G. Allen Philanthropies seeking to "create a fully integrated, first-of-its kind city that uses data, technology and creativity to shape how people and goods move in the future"; and

WHEREAS, on January 11, 2016, City Council passed Ordinance 0064-2016 supporting the City's application to the Smart City Challenge; and

WHEREAS, on June 23, 2016, USDOT awarded the City up to \$40 million in federal funds and up to \$10 million in matching funding from Vulcan to assist in implementation of the City's proposal to demonstrate how advanced data and intelligent transportation systems (ITS) technologies and applications that can be used to reduce congestion, keep travelers safe, protect the environment, respond to climate change, connect underserved communities, and support economic vitality; and

WHEREAS, the Department of Public Service is responsible for the operation, use, and maintenance of public rights-of-way within the City of Columbus; and

WHEREAS, Electrify America, LLC desires to install and operate Equipment within the public rights-of-way for the purpose of providing electric vehicle charging stations the general public; and

WHEREAS, this legislation authorizes the Director of Public Service to execute agreements with Electrify America, LLC concerning the installation, operation, and maintenance of the aforesaid features; and

WHEREAS, it is necessary to waive provisions of Columbus City Code prohibiting the placement of obstructions, including but not limited to, vending equipment, signs, and advertising of any kind, within the public rights-of-way, relative to the installation, operation, and maintenance of the Equipment within the City; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is necessary to authorize the execution of said agreements as soon as reasonably practicable so as to allow the Equipment to be installed as soon as possible, enhancing the visitor experience to the City, thereby preserving the public health, peace, property, safety, and welfare; and

WHEREAS, the Department of Public Service desires to grant a license to Electrify America, LLC for the purposes of allowing Electrify America, LLC to construct, operate and maintain an electric vehicle charging station on approximately 800 square feet of South Ludlow Street; and

WHEREAS, the construction and operation of the charging station will promote and enhance Electric Vehicle adoption, which will lead to the reduction of Greenhouse Gases and help accomplish one of our most important Smart City Challenge goals; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service in that it is immediately necessary to grant the license, thereby allowing the construction of the charging station to occur without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare; **now, therefore**

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

SECTION 1. That the Director of Public Service be and is hereby authorized to execute agreements with Electrify America, LLC relative to the installation, operation, and maintenance Electric Vehicle Charging Stations, and other items (the Equipment) at various locations throughout the City.

SECTION 2. That the City Attorney is required to preapprove all document(s) and agreement(s) prior to execution by the City pursuant to this ordinance.

SECTION 3. That the provisions of Title 9 of City Code prohibiting the placement of obstructions, including but not limited to electric vehicle charging stations, vending equipment, signs, and advertising of any kind, within the public rights-of-way are hereby waived relative to the installation, operation, and maintenance of the Equipment to be installed under this agreement.

SECTION 4. That the Department of Public Service be and is hereby authorized to accept a percentage of the net

advertising fees generated by Electrify America, LLC from the sale or placement of advertisement on the Equipment within the City of Columbus, and that the funds will be dispersed per the terms of agreements signed with the City.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.