

# City of Philadelphia



(Bill No. 110767)

## AN ORDINANCE

Granting permission to the Southeastern Pennsylvania Transportation Authority, 1234 Market Street, Philadelphia, Pennsylvania, to construct, own and maintain a passenger boarding platform, passenger shelter and other miscellaneous encroachments on the public sidewalk located at the northwest corner of the intersection of Frankford Avenue and Delaware Avenue, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Permission is hereby granted to the Southeastern Pennsylvania Transportation Authority ("SEPTA") to construct, own and maintain a passenger boarding platform, passenger shelter and other miscellaneous encroachments on the public sidewalk located at the northwest corner of the intersection of Frankford Avenue and Delaware Avenue as follows:

1. The installation of a stamped asphalt walkway through the site with three curb cuts at crossing areas. Walkway will be 10' wide and allow for crossing the tracks to two locations. Curb cuts will be ADA compliant with proper sloping and tactile pavers at crossing locations. The walkway will have a white honeycomb pattern pressed into the asphalt SEPTA logo at the center.
2. The installation of a passenger boarding platform to include a passenger shelter. The platform will extend from the north property line south to the tracks and from the Frankford to Delaware Avenue curb lines. Two boarding areas will be defined by the installation of tactile pavers along the curb and stamped and painted ADA wheelchair logo and text.
3. The installation of an open air passenger shelter and glass block windscreen. The shelter canopy is 21'-2" wide and 14'-7" deep. The canopy covers (4) steel columns and steel canopy truss support; (2) concrete knee walls that support stainless steel benches and glass block windscreens. The columns will be affixed with both rectangular and triangular sign frames that will hold maps, passenger rules, etc.
4. The installation of a large landscaping bed along Frankford Avenue. The bed will be mulched with decorative plantings. The edge of the beds will be a 6" high concrete curb.

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5. The installation of signage throughout the site, both directional and to identify the site and location. All signage will be mounted in stainless steel frames.
6. The installation of stainless steel trash cans throughout the site.
7. The installation of lighting will occur at all trolley poles on the interior of the site; and at the passenger shelter.
8. The installation of conduit for future AVPA and security camera installation.
9. The operator welfare building will be a pre-fabricated concrete structure with an aluminum standing seam roof that will house toilet facilities for the SEPTA trolley operators.

The passenger boarding platform, passenger shelter and other miscellaneous encroachments shall be constructed as more fully described in the attached Exhibit "A".

SECTION 2. Before exercising any rights or privileges under this Ordinance, SEPTA must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provision of law governing the issuance of such permits, licenses or approvals. In addition, SEPTA shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the Law Department, which shall:

(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the aforementioned agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the passenger boarding platform, passenger shelter and other miscellaneous encroachments;

(c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

(d) agree in writing that when, at the determination of the City of Philadelphia, the passenger boarding platform, passenger shelter or any of the other miscellaneous encroachments necessitate relocation and/or removal of any underground

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structure, either publicly or privately owned, SEPTA will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the passenger boarding platform, passenger shelter and other miscellaneous encroachments are constructed according to the dimensions listed in Section 1 and Exhibit "A," provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits within standard tolerances of current engineering practice;

(f) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department; and

(g) remove the passenger boarding platform, passenger shelter and other miscellaneous encroachments within one hundred and eighty (180) days upon service of lawful written notice from the Streets Department.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to SEPTA for an encroachment of the public sidewalk for a passenger boarding platform, passenger shelter and other miscellaneous encroachments shall expire without any further action by the City of Philadelphia if SEPTA has not entered into the Agreement that is required by Section 2 within one (1) year after this Ordinance becomes law.

SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 8, 2011. The Bill was Signed by the Mayor on December 21, 2011.



Michael A. Decker  
Chief Clerk of the City Council