

RULE RELATING TO REGULATION OF PUBLIC PAY TELEPHONES

2-21 Rules Relating to Installation of Public Pay Telephones

(a) Introduction. Public pay telephones have been part of the city's street scape for half a century. First introduced in the 1950s pursuant to a franchise agreement with the city, legally permitted public pay telephones contribute to the urban experience as well as provide an important communication link for business, pleasure and public health and safety. These public pay telephones have traditionally had a quiet presence on the street scape that allowed for their identification without calling undue attention to themselves. The provisions set forth below are intended to ensure that public pay telephones installed in areas under the jurisdiction of the Landmarks Preservation Commission are installed in a manner that does not damage or destroy historic fabric and that the design and placement of such phones shall not call undue attention to themselves or detract from the significant architectural features of an improvement or a historic district or adversely affect a historic district's distinct sense of place.

(b) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Curbfront" shall mean the sidewalk curb that divides the sidewalk from the roadway.

(2) "Public pay telephone" or PPT" shall be defined by Section 23-401(f) of the Administrative Code of the City of New York.

(3) "PPT Enclosure" shall be defined as any associated housing or enclosure that partially or fully surrounds a PPT, and including an associated pedestal, which has been approved by the Art Commission.

(4) "PPT Franchise Agreement" shall mean a franchise granted by the City pursuant to the revised solicitation issued by the Department of Information Technology and Telecommunications ("DoITT") on June 9, 1997 pursuant to Resolution No. 2248 or any subsequent solicitation with a similar purpose whether or not such subsequent solicitation includes all or part of the components of the June 9, 1997 solicitation.

(c) Approval of PPT Enclosure Design and Installation.

(1) No application to the Commission, and no certificate, approval, permit or report shall be required for a proposal to install a PPT Enclosure if such proposal meets the following criteria:

(i) The PPT Enclosure is proposed to be installed no farther than 24 inches and no closer than 18 inches of the curbfront in an area zoned for commercial or manufacturing uses pursuant to the New York City Zoning Resolution;

(ii) Each PPT Enclosure shall be designed to be inconspicuous and to not call undue attention to itself, and shall have an exterior dimension no greater than 35" wide x 44" long x 90" high. A maximum of two PPTs may be installed in-line together, but in such instance the enclosure shall be no greater than 35" wide x 88" long x 90" high. The height limitation shall include the height of a mast if one is installed. The PPT Enclosure may have clear glazing panels and shall be rectilinear if the PPT Enclosure is designed to have advertising panels;

(iii) The PPT Enclosure shall not be installed in or on, or in the mortar joints between, bluestone, granite, slate or brick paving material, nor shall such paving material be disturbed in any manner in connection with the installation of the PPT;

(iv) The PPT Enclosure shall not be installed in front of an improvement designated as a landmark;

(v) The telephone and power lines to and from such PPT Enclosure, or any conduit containing such lines, shall not be visible;

(vi) The nonglazed portion of the PPT Enclosure shall be a dark brown, dark green, black or dark grey color, or is uncolored stainless steel or clear-finished aluminum. If the PPT Enclosure is less than 15 inches by 36 inches, all portions of the PPT Enclosure shall be stainless steel or clear-finished aluminum;

(vii) If the PPT Enclosure has advertising panels, the advertising panels shall be limited to two side panels, each of which is not larger than 27" wide x 57" high. There shall be no advertising panel on the rear of the PPT Enclosure facing the street. The advertising panels shall not be illuminated in any fashion. Advertising shall be limited solely to the PPT Enclosure. No advertising shall be permitted on a PPT Enclosure that is smaller than 27" wide x 57 inches high. No PPT Enclosure shall have any light emitting diode (L.E.D.) lettering, design or advertising. In addition to the above, a PPT Enclosure may identify the name or logo of the owner of the PPT and the fact that it is a public telephone. Where such identification is illuminated, it shall be illuminated internally from behind the lens, be limited to the top two inches of the PPT Enclosure, and may occur on all sides of the PPT Enclosure; and

(viii) The proposed PPT installation meets all applicable terms, conditions and requirements of the PPT Franchise Agreement, and all applicable distance, clearance and other siting requirements set forth in Title 67 of the Rules of the City of New York

(2)(i) All other proposals to install a PPT Enclosure shall be reviewed and approved by the Landmarks Preservation Commission by a certificate of appropriateness public hearing, report, permit for minor work or certificate of no effect, as appropriate.

(ii) Application Procedures for proposals to install a PPT Enclosure requiring a certificate, permit or report. An application form shall be filed for each proposed PPT Enclosure.

Notwithstanding the requirements of section 2-01 of Title 63 of the Rules of the City of New York, the application form for the installation of a PPT Enclosure shall be signed by the person who owns the PPT or the agent or principal of such person, or any other person authorized to apply for a permit to install a PPT pursuant to the PPT Franchise Agreement or Title 67 of the Rules of the City of New York. No advertising shall be permitted on non-curbside PPTs or PPT Enclosure.

(3) Nothing in this rule shall be interpreted to obviate the need to obtain all necessary approvals from the Department of Information Technology and Telecommunications for all installations of PPT Enclosures.