

----- Forwarded message -----

From: **Lucile Bruce** <[lucile.bruce@sbcglobal.net](mailto:lucile.bruce@sbcglobal.net)>

Date: Tuesday, February 5, 2019

Subject: questions & more information about bike share ad panels

To: Anna Festa <[annamfesta@gmail.com](mailto:annamfesta@gmail.com)>

Cc: Beth Lyons <[bethdlyons@gmail.com](mailto:bethdlyons@gmail.com)>, Jill Campbell <[jill.campbell@yale.edu](mailto:jill.campbell@yale.edu)>, Akonetchy <[schola@snet.net](mailto:schola@snet.net)>

Dear Alder Festa,

Thank you very much for your interest and concern regarding the bike share advertising panels that have been installed in East Rock and across the City as part of the Bike New Haven initiative. I'm writing with questions in advance of the CSEP hearing this Thursday, per your request. The weekend got busy and I didn't have time to consult with Dick Lyons about this email, but I think it fairly represents the sum of our conversations (I'm copying him here, so he can weigh in).

As you know, many residents were concerned when the advertising panel was installed, without any notice or public process, outside of the East Rock Pharmacy (a building on the National Register of Historic Places within a national historic zone). We testified at multiple hearings regarding the problems with this sign (and with other signs around the City). During our testimony, we raised questions about the City's process for selecting and approving bike share sites with advertising panels.

We have since done additional research on State laws governing advertising signage. We refer you to the following links:

State Law CH 411: Advertising Signs:

[Chapter 411 - Advertising Signs](#)

Application for permit for outdoor advertising:

[https://www.ct.gov/dot/lib/dot/documents/dpermits/oda\\_application\\_5-12-2015.pdf](https://www.ct.gov/dot/lib/dot/documents/dpermits/oda_application_5-12-2015.pdf)

Late last year, I contacted Mr. Steven Degen at the CT Department of Transportation and learned that the law applies to all streets in Connecticut, not just State roads and highways. He said that neither the City of New Haven nor the bike share company had applied for permits for the bike share advertising panels. Mr. Degen handles applications for permits and he can be reached here:

Mr. Steven Degen  
Office of Rights of Way  
(860) 594-2579  
Or email to  
[Steven.Degen@ct.gov](mailto:Steven.Degen@ct.gov)

As you'll see when you look at the links, the State's application for permits for advertising signs requires the City (as property owner) to testify that the proposals have gone through Zoning *and* that they adhere to all City ordinances.

For City ordinances relevant to signage in the right-of-way, see [Article V, Section 44.1 of the New Haven Zoning Ordinance](#).

The New Haven Complete Streets Ordinance manual is also relevant:

<https://www.newhavenct.gov/civicax/filebank/blobdload.aspx?blobid=23184>

We conclude that our instincts regarding process have been well founded all along. The State law offers protections for Connecticut residents with regard to the placement of advertising signs along our streets and sidewalks. The State's application lays out a process that includes a requirement for zoning sign-off, which, as you know, requires that nearby property owners be noticed. The State law also identifies certain prohibited locations (see Sec. 21-58), as do City ordinances (see above link). The City ordinances contain several relevant details which I won't repeat here but are worth a read. We obtained one legal opinion that the City's claim--that a BOA contract (i.e. with the bike share company) overrides City ordinances--is without question untenable.

In light of all of this, with regard to the bike share sign in front of the pharmacy, we would like to know:

1. How the City/bike share company intends to follow State law and City ordinances in crafting its proposal for the sign's new location. What will be the steps in its process? We believe the process outlined in Ch. 411 must be followed. This will give neighbors the opportunity to review the plans in advance and offer feedback at a zoning hearing.
2. How will the City go about remedying the problem of signs that were installed without regard to existing law, especially signs in locations specifically prohibited by State law and local ordinance?

I have learned a lot from Mr. Dick Lyons about the importance of advocating for one's neighborhood to prevent detrimental changes to the built environment. It is a long game. We are concerned that the bike share advertising panels open the door to further sell-off of public space in the future. This is why the issue is so important: it sets a dangerous precedent. We have always supported bicycling and we believe it is possible to balance all three "goods" inherent in this situation: (1) increasing bicycle riding in New Haven, (2) protecting and preserving the quality of our streets and sidewalks, and (3) following all existing laws and ordinances.

We sincerely thank you for your attention to this matter.

All the best,  
Lucile Bruce