

**HEARING REPORT
CITY OF PHILADELPHIA
DEPARTMENT OF STREETS REGULATIONS TITLED
“REGULATIONS FOR THE INSTALLATION OF WAYFINDING SIGNS”**

August 3, 2021

Background

On July 24, 2019 the Philadelphia City Council passed Bill No. 190462-A, creating Section 11-614 of the Philadelphia Code entitled “Wayfinding Signs.” The ordinance authorizes the Streets Department (“Department”) to place wayfinding signs in places in the right-of-way it deems in the best interests of the City, either itself or by contract.

Pursuant to this legislation, on May 28, 2021 the Department promulgated such regulations as it deemed necessary to ensure and protect the interests of the City in creating any system of wayfinding signs. Those regulations were delivered to the Records Department as required by law.

On or about June 28, 2021, the Records Department received a request for public comment for the aforementioned regulations, citing the requirement to obtain property owner consent before placing a wayfinding sign on private property. A public meeting was thereafter scheduled for July 22, 2021, and notice posted to by the Records Department for same. That meeting was subsequently rescheduled to August 3, 2021, notice also posted by the Records Department, in order to accommodate all of the attendees.

On August 3, 2021 at 11am, representatives of the Streets Department convened the public meeting via Microsoft Teams, which was recorded and electronically stored. The following people were in attendance:

For the Streets Department:

Richard Montanez, Deputy Commissioner

Noelle Marconi, Director of Legislative Affairs

David Dlugosz, District Traffic Engineer

Mark Washington, Assistant Chief Traffic Engineer

For the Office of the Managing Director:

Stephanie Marsh, Deputy Director for Intergovernmental and Legislative Affairs

For City Council:

Kyasha Tyson, Director of Community and Economic Development for Councilmember Parker

Rachel Meadows, Director of Policy and Legislation for Councilmember Parker

For the Philadelphia Law Department:

James Kellett, Deputy City Solicitor

For public comment:

Barbara Schwarzenbach

Philip Dawson

Sarajane Blair

Emaleigh Doley

Brad Copeland

Other Attendees:

Chris Rinnier

Sharon Kim

Written Testimony Provided By:

Joan Denenberg

Under Section 711 of the Pennsylvania Sunshine Act, 65 Pa C.S. 701-716, Jim Kellett recorded the minutes of the meeting.

Summary of Testimony and Comments

Mr. Kellett began the meeting and instructed all attendees to announce their presence on record. Barbara Schwarzenbach, Philip Dawson, Sarajane Blair, and Emaleigh Doley announced their intention to give comments. Testimony related primarily to the requirement at Section 4.8.4.4.1, which states:

In addition to Art Commission and Streets Department approvals, Permittee must obtain the written consent of the property owner on which the pole is to be installed, if applicable, and the adjacent property owner shall be notified when any pole is installed.

Ms. Schwarzenbach voiced her concern that inability to receive permission from every property owner would leave gaps in the wayfinding system proposed for the seven northwest neighborhoods, and that such systems are only successful without interruption. One sign removed for lack of explicit consent compromises the whole, and potentially leaves people stranded. Ms. Schwarzenbach also noted that even without the challenged consent provision, sign placement opportunities are already limited.

Mr. Dawson expanded on those concerns by asking for a more “streamlined and predictable process.” Mr. Dawson argued that, conceptually, the signs proposed in the northwest neighborhoods serve a public purpose, and therefore do not need a more onerous permission process, but rather one similar to highway directional signs.

Ms. Blair “seconded” Mr. Dawson’s testimony. She reiterated Ms. Schwarzenbach’s concern that the current consent provision allows for the veto of any number of signs which should really be considered one collective unit, and explained that her organization was in favor of vigorous outreach to potential stakeholders to prevent non-consent. Ms. Blair also stated the opinion that Section 11-614 was a Council authorization specifically for the northwest wayfinding system to be implemented, as opposed to an ordinance authorizing the Streets Department to generally authorize such systems.

Emaleigh Doley adopted the testimony of the previous commenters, asked for clarification of who the Noticee would be on a consent request, and asked if City Council could assuage certain concerns of the Department by writing a letter committing to maintaining the signs if the original installer stopped operating.

At various points the Streets Department, through Mr. Dlugosz and Mr. Montanez, raised objections to certain viewpoints or posited hypotheticals, such as where a sign larger than PennDOT regulations permit for directional signs deleteriously block storefront signage, whether an aggrieved property owner would take unilateral action to remove a sign, or if the installer of the sign ceased to exist. Mr. Copeland and Ms. Schwarzenbach explained that, at least for the northwest neighborhoods’ proposed system, a Streets Dept. engineer was consulted for placement, and that the proposed locations were selected after careful consideration. Mr. Copeland suggested that an individual property owner preventing placement of a sign is contrary to the intent of Section 11-614. Mr. Dlugosz responded that suitable alternative locations must remain an option.

Discussion

Section 11-614 of the Code authorizes the Streets Department, by itself or by contract, to place wayfinding signs in the right-of-way where it deems such placement in the best interests of the City. This Section of the Code neither authorizes a specific system of wayfinding signs, nor authorizes the private placement of such signs. As written, this section of the Code designates the

Department as the arbiter of whether the wayfinding signs are necessary, and the terms by which they are installed.

Section 4.8.4.4.1 of the proposed regulations state:

“In addition to Art Commission and Streets Department approvals, Permittee must obtain the written consent of the property owner on which the pole is to be installed, if applicable, and the adjacent property owner shall be notified when any pole is installed.”

This is a legally-sound provision. In almost all cases in the City of Philadelphia, property lines extend to the midpoint of the right-of-way. Wayfinding signs, while generally serving some modicum of public purpose, are permanent installations on private property and the authorizing ordinance is silent as to the extent of this public purpose, other than for it to be in the “best interests of the city” for the signs to exist.

Public testimony alluded to PennDOT guidance for public-purpose directional signs that allow simple notification as opposed to explicit consent. This draws a false equivalence between state highway directional signs, which also have strict design standards and criteria for directional content, and the specific signs created by the Northwest Coalition. To wit, these regulations serve the entire City of Philadelphia, and do not address just the signs requested by the public attendees. It is proper to require the consent of the owner of the property upon which these signs are installed.

Conclusion

The regulations will be amended to provide for the situation in which the property owner is silent when consent is requested. Otherwise, the provisions will remain the same.