## Department of Safety and Inspections

Exception Request to Skyway Hours submitted by 180 East Fifth Street

The property owner at 180 East 5th Street requests an exception to the general Skyway hours stipulated in Saint Paul Ordinance 140. They are requesting to close at 10pm Monday through Thursday and 12:00 Midnight on Friday, Saturday, and Sunday.

**Background**

Saint Paul City Ordinance 140 stipulates:

- Skyways to be open between the hours of 6:00am and 2:00am.
- Exception to hours must be approved by the City Council.
- Property owners are required to provide monitored video or patrolling security.

The property ownership at 180 East 5th Street notes:

- Increase in skyway safety and livability issues (e.g. urinating, property damage, and physical altercations that put staff and the public at risk of personal harm)
- They provide 9 cameras on the skyway level; 6 on the first floor and 3 in the alley. Extent of camera monitoring is unknown and they do not provide patrolling security during all general skyway hours.
- Limited security being provided by adjacent properties.

On March 25, 2016, District 17 Council's Skyway Governance Advisory Committee adopted a resolution opposing requested hours change due to lack of supporting data.

The Saint Paul Police Department has added officers to the downtown beat and developed a skyway enforcement plan, which includes proactive efforts with Metro Transit Police as well as working with the City Attorney's Office to prosecute Skyway conduct violations and to post public information signs listing skyway conduct rules.

Human Rights and Equal Economic Opportunity has indicated that Chapter 140 of the Legislative Code is currently under review by the Human Rights Commission.

The Greater Saint Paul Building Owners and Managers Association (BOMA) has begun focusing their "Public Realm Task Force Meetings" on skyway issues. The group desires a list of security levels for each building and its next step is to conduct a meeting to discuss the different safety issues on the skyway level and street level.

DSI is working on a number of Skyway issues. In terms of security, DSI has been assembling, clarifying, and assessing skyway public easement agreements. Currently, DSI is a leader in an effort to build a work group focused on ensuring a high level of security in the skyways. The group will coordinate efforts between property owners, businesses, residents, and the City to achieve the desired level of skyway safety and security.

**Recommendation**

The City Council deny the exception request and have DSI report back in 90 days related to current Skyway security and safety efforts.

Chapter 140. - Skyway Conduct

Sec. 140.10. - Safety requirements.

The owner of a building containing an element of the Saint Paul Pedestrian Skyway System shall maintain said element in a condition so as not to constitute a hazard to its patrons and shall also comply with the following requirements:

(1) On and after September 1, 1993, skyway bridges and public easements in, and areas accessible and adjacent to, buildings connected to the skyway pedestrian system shall maintain a minimum light level of ten (10) footcandles during all hours of operation. Lighting levels shall be measured within five (5) feet of the centerline of the pedestrian path throughout the skyway pedestrian system at approximately thirty-six (36) inches above the floor and in accordance with the standards as recommended by the Illumination Engineering Society (IES) unless the accessible area is greater than twelve (12) feet, at which time the illumination level of the entire area will be a minimum of ten (10) footcandles. Light fixture installation shall be so designed that failure of one (1) lamp will not leave an area inadequately lighted.

(2) All elements of the skyway pedestrian system shall be maintained in a clean, sanitary, safe and seasonally adjusted comfortable temperature level of seventy (70) degrees Fahrenheit, plus or minus eight (8) degrees Fahrenheit, during the hours of 6:00 a.m. and 11:00 p.m., seven (7) days a week. The temperature will be maintained seasonally to within fifty (50) and ninety (90) degrees Fahrenheit at all other times. Temperatures will be measured at approximately thirty-six (36) inches above the floor in accordance with the standards as recommended by the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE). Design temperatures of sixty-eight (68) degrees Fahrenheit (winter) and seventy-four (74) degrees Fahrenheit (summer) shall be the standards during the skyway system operating hours. Building owners shall be responsible for necessary repair and replacement of damaged or deteriorated portions of the skyway pedestrian system. Hazardous and nonhazardous obstacles are prohibited so as to avoid the appearance of clutter.

(3) On and after June 1, 1991, all areas of the pedestrian skyway system that, because of design, lighting, decorations or any other reason, may be construed as a "hiding place," as determined by the skyway governance advisory committee, shall be secured by a physical barrier, eliminated or monitored.

(4) On and after June 1, 1991, all areas of the pedestrian skyway system shall provide a continuous, immediate, accessible and easy-to-perform means of communicating requests to the emergency dispatch center or "911." Communications may be provided by auto-dialed emergency response call boxes, working pay phones or other appropriate alarm devices. There shall be a minimum of one (1) means of communication located every three hundred twenty (320) feet measured linearly and a minimum of one (1) means of communication per building. These means of communication shall be located in prominent locations as determined by the skyway governance advisory committee and accessible during all hours of skyway operation. In areas where a means of communication is not visible, signage with directions to the nearest location shall be prominently displayed.

(5) On and after June 1, 1991, signs providing location names (i.e., building name, concourse name, floor level and exits from the system) and utilizing easily readable lettering shall be prominently displayed in the pedestrian skyway system. The name utilized shall be unique and descriptive, so that calls for aid to that place name can be responded to accurately.

(6) On and after June 1, 1991, the owner of a building containing an element of the pedestrian skyway system shall provide, in the building owned, for the reasonable observation or surveillance of the portions of the pedestrian skyway system located by video cameras or by patrolling security personnel.

a. Video cameras used for observation or surveillance shall be monitored by personnel during all hours of skyway operation. The owner, when placing the video cameras, shall consider building design and internal layout, building usage and incident trends. The owner shall make every effort during the further development and implementation of a skyway security to achieve the optimum of a coordinated camera and voice communications and surveillance system. All cameras utilized shall provide video output at one (1) volt peak-to-peak, NTSC. The placement of cameras shall be reviewed for compliance with city standards by the skyway governance/advisory committee.

b. Patrolling security personnel used for observation or surveillance shall patrol during all hours of skyway operation and the frequency of patrol shall be determined by the building owner. The building owner, when determining the frequency of patrols, shall consider the size and design of the skyway portion located in the building, the type of uses located in the building, incident trends and the means of surveillance implemented in adjoining structures. The department of safety and inspections in consultation with the Skyway Governance Advisory Committee shall recommend minimum city standards for patrol and review for compliance to be approved by the city council.

(Ord. No. 17799, § 1, 12-20-90; Ord. No. 17895, § 1, 12-3-91; C.F. No. 93-1847, § 1, 3-2-94; C.F. No. 97-913, § 1, 8-27-97; C.F. No. 07-925, § 2, 10-24-07; C.F. No. 08-153, § 4, 4-9-08)