
M E M O R A N D U M

DATE: January 7, 2010
TO: Salt Lake City Council
FROM: Russell Weeks
RE: Proposed Ordinance: Codifying Executive Order Pertaining to the Accommodation of Bicyclists and Pedestrians at all City-Owned Transportation Facilities in the Public Right of Way (Complete Streets Ordinance)
CC: Cindy Gust-Jenson, David Everitt, Ed Rutan, Frank Gray, Tim Harpst, Karen Hale, Gordon Hoskins, Jennifer Bruno, Gina Chamness

This memorandum pertains to a proposed ordinance supported by the City Council Transportation and Mobility Subcommittee that would codify a January 5, 2007, (cq) executive order by then-Mayor Ross C. Anderson. The executive order acknowledged the value of a transportation system that encourages “bicycling and walking” in saving money, reducing traffic congestion, building a community of neighborhoods and improving “the overall quality of life.”

The City Council on November 5, 2009, adopted a motion approving a Legislative Action Item to codify the executive order. The Action Item was forwarded by the Transportation and Mobility Subcommittee which is made up of Council Members Luke Garrott, Jill Love, Soren Simonsen and Van Turner. After the Council vote, the City Attorney’s Office prepared the proposed ordinance.

OPTIONS

Given the City Council’s action on November 5, it appears that the Council’s preferred option is to adopt the proposed ordinance.

POTENTIAL MOTIONS

- I move that the City Council adopt a motion enacting Chapter 14.06 of the Salt Lake City Code to codify a January 5, 2007, executive order pertaining to the accommodation of bicyclists and pedestrians at all city-owned transportation facilities in the public right of way.
- I move that the City Council consider the next item on the agenda.

DISCUSSION/BACKGROUND

The executive order mandated that “all transportation facilities in the public right of way owned by Salt Lake City on which bicyclists and pedestrians are permitted by law ... shall be designed, constructed, operated and maintained so that users, including people with disabilities, can travel safely and independently.”

The reason for making the order an ordinance is to clarify and confirm that it is City Council's policy to accommodate people who walk or ride bicycles or use other forms of non-motorized transportation in Salt Lake City because all modes of transportation are necessary in an ecologically sustainable community.

The item appears to have no effect on future budgets because the Executive Order, titled *Accommodation of Bicyclists and Pedestrians*, has been in effect since January 5, 2007.

Like the executive order, the proposed ordinance would require the City to establish bicycle and pedestrian ways in new construction and reconstruction projects in the public right of way, subject to budget limitations. The ordinance also would require the City to take into account bicyclists and pedestrians in designing and developing public rights of way in the long-term, in the need for bicyclists and pedestrians to cross transportation corridors as well as travel along them, and in designing streets and walkways to the "best currently available standards and guidelines."

Like the executive order, the proposed ordinance contains three exemptions to the requirements in the proposed ordinance. Bicycle and pedestrian ways would not be required to be established if:

- Bicyclists and pedestrians are prohibited by law from using the street or City-owned transportation facility.
- The cost of establishing bikeways or walkways would be excessively disproportionate to the public need or probable use.
- The scarcity of population or other factors made designing and building unnecessary long-term as well as short-term.

Like the executive order, the proposed ordinance would establish a Complete Streets Committee made up of the City Transportation Director, Planning Director, City Engineer and, where applicable, the Director of Airports. The committee, on a case-by-case basis would determine whether the cost of establishing bikeways or walkways would be excessively disproportionate to the public need or probable use.

The foundation for the Transportation and Mobility Subcommittee requesting full City Council consideration of the proposed item are the nine transportation policies that the City Council adopted on November 15, 1994, and included in adopting the 1996 *Salt Lake City Transportation Master Plan*.

The policies are:

- The Council considers neighbors, residential and commercial, as the building blocks of the community.
- The Council encourages the preservation and enhancement of living environments, particularly the downtown.
- The Council discourages through traffic on streets, other than arterial streets, in residential neighborhoods.
- The Council will focus on ways to transport people to their desired destinations, and not on moving motorized vehicles at the expense of neighborhoods.

- The Council will make and support transportation decisions that increase the quality of life in the City, not necessarily the quantity of development.
- The Council supports the creation of a series of linkages, the visions and incentives to foster appropriate growth in currently defined growth centers.
- The Council supports more public/private partnerships in which all who benefit from the capital improvements participate in funding those improvements.
- The Council supports considering the impacts on neighborhoods on at least an equal basis with the impacts on transportation systems and the *Transportation Master Plan* and related planning.
- All neighborhoods are to be given equal consideration in transportation decisions.

The proposed ordinance also appears to mesh with goals set out in the *Downtown in Motion Salt Lake City Downtown Transportation Master Plan*. The City Council adopted a motion on November 6, 2008, to incorporate the plan as part of the City's *Transportation Master Plan*.

The bicycle and pedestrian portion of the *Downtown in Motion* plan, among other things, called for:

- Enhancing sidewalks along all downtown streets to make it easier for pedestrians to use them.
- A network of walkways throughout downtown that would include an integrated system of mid-block walkways and a completed network of mid-block street crosswalks.
- Building infrastructure for bicyclists that would accommodate all skill levels of bicycling.
- Providing additional bicycle racks and lockers outside and inside buildings.¹

The Executive Order reads:

The benefits of bicycling and walking span across many aspects of our daily lives. The social and environmental benefits include healthier citizens and the improved health of our community through a substantial reduction in air pollution. A transportation system that encourages bicycling and walking can also save money, reduce traffic congestion, build community, and improve the overall quality of life. Therefore, Salt Lake City supports the concept of Complete Streets, requiring the accommodation of pedestrians and bicyclists throughout the planning process by providing the following policy.

All transportation facilities in the public right of way owned by Salt Lake City on which bicyclists and pedestrians are permitted by law, including, but not limited to streets, bridges, and all other connecting pathways, shall be designed, constructed, operated and maintained so that users, including people with disabilities, can travel safely and independently.

Therefore I enact this Executive Order:

1. General

1.1 Bicycle and pedestrian ways shall be established in the City's new construction and reconstruction projects in the public right of way, subject to budget limitations, unless one or more of the following three exemption conditions are met:

a) Bicyclists and pedestrians are prohibited by law from using the street or facility. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.

b) The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. A Complete Streets Committee, consisting of the Transportation Director, Planning Director, City Engineer and Airport Director (if applicable), will determine whether the cost of establishing bikeways or walkways is excessively disproportionate on a project by project basis.

c) Scarcity of population or other factors indicate an absence of need, with consideration given to future population growth.

1.2 The design and development of the transportation infrastructure shall improve conditions for bicycling and walking through the following additional steps:

a) Planning projects for the long-term. Transportation facilities are long-term investments that remain in place for many years. The design and construction of new facilities that meet the criteria in the above stated exemption conditions should anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements. For example, a bridge that is likely to remain in place for 50 years might be built with sufficient width for safe bicycle and pedestrian use in anticipation that facilities will be available at either end of the bridge even if that is not currently the case.

b) Addressing the need for bicyclists and pedestrians to cross corridors as well as travel along them. Even where bicyclists and pedestrians may not commonly use a particular travel corridor that is being improved or constructed, they will likely need to be able to cross that corridor safely and conveniently. Therefore, the design of intersections and interchanges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible and convenient.

c) Exemptions. Exemptions regarding the installation of bikeways and walkways shall be approved by the aforementioned Complete Streets Committee and be documented with supporting data that indicates the basis for the decision.

d) Designing facilities to the best currently available standards and guidelines. The design of facilities for bicyclists and pedestrians should follow design guidelines and standards that are commonly used, such as the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's A Policy on Geometric Design of Highways and Streets, the Institute of Transportation Engineers recommended practice "Design and Safety of Pedestrian Facilities", and the U.S. Department of Transportation sponsored *Designing Sidewalks and Trails for access Part II: Best Practices Design Guide*.

¹ *Downtown in Motion Downtown Transportation and Transit Plan, Page 11.*

RECEIVED DEC 14 2009

SALT LAKE CITY ORDINANCE

No. _____ of 2009

(Enacting Chapter 14.06 of the Salt Lake City Code, Codifying the January 5, 2007 Executive Order Pertaining to Accommodation of Bicyclists and Pedestrians at all City Owned Transportation Facilities in the Public Right of Way)

An ordinance enacting Chapter 14.06, *Salt Lake City Code*, pertaining to accommodation of bicyclists and pedestrians at all city owned transportation facilities in the public right of way.

WHEREAS, on January 5, 2007, Mayor Ross C. "Rocky" Anderson signed an Executive Order pertaining to accommodation of bicyclists and pedestrians and mandating that "[a]ll transportation facilities in the public right of way owned by Salt Lake City on which bicyclists and pedestrians are permitted by law, including, but not limited to streets, bridges, and all other connecting pathways, shall be designed, constructed, operated and maintained so that users, including people with disabilities, can travel safely and independently";

WHEREAS, the January 5, 2007 Executive Order has had no budgetary effect since its execution and no future budget effect is anticipated; and

WHEREAS, by codifying the January 5, 2007 Executive Order, the City Council (1) clarifies and confirms its policy to accommodate people who walk or ride bicycles, (2) aids the City in building an ecologically sustainable community, and (3) recognizes the health benefits to citizens who walk or ride bicycles, which thereby benefits the health of the entire community by reducing air pollution.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Enactment. That Chapter 14.06 of the *Salt Lake City Code*, pertaining to accommodation of bicyclists and pedestrians at all City owned transportation facilities in the public right of way be, and hereby is, enacted to read as follows:

CHAPTER 14.06

ACCOMMODATION OF BICYCLISTS AND PEDESTRIANS AT ALL CITY OWNED TRANSPORTATION FACILITIES IN THE PUBLIC RIGHT OF WAY

14.06.010 Purpose

The benefits of bicycling and walking span across many aspects of our daily lives. The social and environmental benefits include healthier citizens and the improved health of our community through a substantial reduction in air pollution. A transportation system that encourages bicycling and walking can also save money, reduce traffic congestion, build community, and improve the overall quality of life. Therefore, the City supports the concept of Compete Streets, requiring the accommodation of pedestrians and bicyclists throughout the planning process.

All city owned transportation facilities in the public right of way on which bicyclists and pedestrians are permitted by law, including, but not limited to streets, bridges, and all other connecting pathways, shall be designed, constructed, operated, and maintained so that users, including people with disabilities, can travel safely and independently.

14.06.020 General Provisions and Exemptions

A. Bicycle and pedestrian ways shall be established in the City's new construction and reconstruction projects in the public right of way, subject to budget limitations, unless one or more of the following three exemption conditions is met:

1. Bicyclists and pedestrians are prohibited by law from using the street or City owned transportation facility. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.

2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. A *Complete Streets Committee*, consisting of the Transportation Director, Planning Director, City Engineer, and Airport Director (if applicable), will determine whether the cost of establishing bikeways or walkways is excessively disproportionate on a project by project basis.

3. Scarcity of population or other factors indicate an absence of need, with consideration given to future population growth.

B. The design and development of the transportation infrastructure shall improve conditions for bicycling and walking through the following additional steps:

1. Planning projects for the long term. Transportation facilities are long term investments that remain in place for many years. The design and construction of new facilities that meet the criteria in the above stated exemption conditions should anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements. For example, a bridge that is likely to remain in place for 50 years might be built with sufficient width for safe bicycle and pedestrian use in anticipation that facilities will be available at either end of the bridge even if that is not currently the case.

2. Addressing the need for bicyclists and pedestrians to cross corridors as well as travel along them. Even where bicyclists and pedestrians may not commonly use a particular travel corridor that is being improved or constructed, they will likely need to be able to cross that corridor safely and conveniently. Therefore, the design of the intersections and interchanges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible and convenient.

3. Exemptions. Exemptions regarding the installation of bikeways and walkways shall be approved by the aforementioned *Complete Streets Committee* and be documented with supporting data that indicates the basis for the decision.

4. Designing facilities to the best currently available standards and guidelines. The design of facilities for bicyclists and pedestrians should follow design guidelines and standards that are commonly used, such as the *AASHTO Guide for the Development of Bicycle Facilities*, *AASHTO'S A Policy On Geometric Design of Highways and Streets*, the Institute of Transportation Engineers recommended practice "*Design and Safety of Pedestrian Facilities*," and the U.S. Department of Transportation sponsored "*Designing Sidewalks and Trails for access Part II: Best Practices Design Guide*."

14.06.030 Creation of *Complete Streets Committee*

The *Complete Streets Committee*, consisting of the Transportation Director, Planning Director, City Engineer, and Airport Director (if applicable), is hereby established to determine whether the cost of establishing bikeways or walkways is excessively disproportionate on a project by project basis under this Chapter.

SECTION 2. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,

2009.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

Approved as to Form
Salt Lake City Attorney's Office
By: Melanie A. Reif
Melanie A. Reif, Senior City Attorney
Date: Nov. 10, 2009

(SEAL)

Bill No. _____ of 2009.
Published: _____.