

INTRODUCED: 5/2/2022

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillors Barth, Lewis, Larrison and Adamson

DIGEST: amends the Complete Street Policy in Chapter 431, Article VIII, of the Revised Code

SOURCE:

Initiated by: Councillor Barth

Drafted by: Councillor Barth

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: April 28, 2022

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2022

PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 441 and the Complete Street Policy in Chapter 431, Article VIII of the Revised Code.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The title to Article VIII of Chapter 431 of the "Revised Code of the Consolidated City and County" is hereby amended by the addition of the language that is underscored, to read as follows:

ARTICLE VIII. - COMPLETE STREETS POLICY

SECTION 2. Section 431-801 of the "Revised Code of the Consolidated City and County" is hereby amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 431-801. – Definitions of complete streets.

In addition to the definitions in section 431-100 of the Code, as used in this article the following terms shall have the meaning ascribed to them in this section.

"Complete Streets" means a streets or highway that are is designed and operated as part of an interconnected multimodal transportation system to enable safe, reliable, efficient and equitable access for all users, in that pedestrians, users of personal mobility devices, transit riders, bicyclists, motorists and public transportation users and operators of vehicles, motorcycles and motor vehicles of all ages, and abilities, disabilities, races, genders, gender identities, incomes and socioeconomic status are able to safely and concurrently move on, along and across a-the street or highway.

"Construction" shall mean the planning, supervising, inspecting, actual building, draining, and all expenses incidental to the construction of a street or highway, including reconstruction to a degree that new, supplementary, or substantially improved traffic service is provided, and significant geometric or structural improvements are effected.

"Exception" shall mean to allow an activity in the roadway to which the complete streets policy established in this article is applicable to be done or performed without applying the complete streets policy in the planning, programming, design, and performance or construction of the activity.

"Maintenance" shall mean the constant making of needed repairs to a street or highway to preserve a smooth surface and for adequate drainage, marked and guarded by protective structures for public safety and, as to bridges, means the constant making of needed repairs to preserve a smooth surface thereon and the safety and preservation of the bridge and its approaches, together with the substructure and superstructure thereof. By way of example, not of limitation, activities constituting maintenance are crack sealing, pot hole patching, strip patching, street sweeping, the clearing of drainage inlets and outlets, the repair or replacement of guardrails and the repair or replacement of traffic control signals, signs and markings.

"Restoration and rehabilitation" means work required to return the existing structure (roadway pavement or bridge deck) to a suitable condition for an additional stage of construction (bridge deck protective system or resurfacing) or to a suitable condition to perform satisfactorily for a substantial time period.

"Resurfacing" means the placement of additional pavement layers (including protective systems for bridge decks) over the existing (or restored or rehabilitated) roadway or bridge deck surface to provide additional strength or to improve serviceability for a substantial time period.

"Transportation improvement project" means a capital improvement project involving the construction, reconstruction, resurfacing, or restoration and rehabilitation of a street or highway under the jurisdiction of the city.

"Underserved neighborhoods" means those areas identified within the Transportation Equity Index developed as part of the transportation segment of the Comprehensive Plan of Marion County with the greatest need for alternative forms of transportation, taking into account areas with the following combined densities: persons below 200% the federal poverty level, adults aged 65 years and older, youth aged 10 through 17 years, zero-vehicle households, persons with limited mobility or mobility impairment, persons with limited English proficiency, and persons who self-describe as non-White/Caucasian.

SECTION 3. Section 431-802 of the "Revised Code of the Consolidated City and County" is hereby amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 431-802. – Complete streets policy.

TheIt shall be the policy of the city ~~shall~~ to develop a safe, reliable, efficient, integrated and connected multimodal transportation system that will promote access, mobility and health for all users, and will ensure that the safety and convenience of all users of the transportation system are accommodated, including pedestrians, users of personal mobility devices, transit riders, bicyclists, users of mass transit and operators of vehicles, motorcycles, and motor vehicles, ~~people~~ of all ages, ~~and~~ abilities, disabilities, races, genders, gender identities, incomes and socioeconomic status, motorists, ~~as well as authorized emergency responders~~ vehicles, buses, commercial vehicles, trucks, trailers and tractors, freight providers and adjacent land users, while enabling access to destinations such as home, school, work, recreation and retail destinations.

SECTION 4. Section 431-803 of the "Revised Code of the Consolidated City and County" is hereby amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 431-803. - ~~Scope of Complete Streets applicability~~ Applicability and implementation.

(a) The complete streets policy is applicable to:

(1) AllTransportation improvement projects undertaken by the department of public works ~~for the city-owned transportation facilities in the public right-of-way including, but not limited to streets, bridges and all other connecting pathways shall be designed, constructed, operated, and maintained so that users of all ages and abilities can travel safely and independently.~~

(2) Transportation improvement projects undertaken by any person other than the city (e.g., the Indianapolis Public Transportation Corporation).

(3) Privately constructed streets and parking lots in Marion County.

(4) Public utilities undertaking activities to construct, relocate, operate and maintain a public utility facility within the roadway of a street or highway which involves activities falling within the meaning of "construction" as defined in this chapter.

(5) Franchisees undertaking activities to construct, relocate, operate and maintain a facility within the roadway of a street or highway pursuant to a franchise granted by the council pursuant to chapter 645 of the Code which involves activities falling within the meaning of "construction" as defined in this chapter.

(6) Any other person authorized to use or occupy the roadway of a street or highway pursuant to a permit, encroachment license, operating agreement, or as otherwise may be established by the Code which undertakes activities to construct, relocate, operate and maintain a facility within the roadway of a street or highway which involves activities falling within the meaning of "construction" as defined in this chapter.

(b) Privately constructed streets and parking lots shall adhere to this policy. The city shall view the complete streets policy as integral to everyday transportation decision-making practices and processes and shall implement the complete streets policy as follows:

(1) By causing relevant departments, agencies, or committees to incorporate complete streets principles into all existing plans, standards, regulations and programs affecting streets or highways and the city's transportation network, including, by way of example not limitation, ReZone Indy, the Comprehensive Plan of Marion County, historic preservation plans, the transportation capital program, transit, pedestrian, bicycle and trail master plans, and an Art in the Right-of-Way Policy and a Tactical Urbanism Policy adopted by the board of public works.

(2) By encouraging staff professional development and training on issues related to non-motorized forms of transportation through attending conferences, classes, seminars and workshops on the subject.

(3) By identifying all current and potential future sources of funding for street and highway improvements.

(4) By promoting inter-departmental project communication and coordination among city departments with an interest in activities that occur within the roadway of city streets and highways in order to better use fiscal resources, including establishment of a cross-departmental protocol for application of the complete streets policy.

(5) By developing educational materials regarding complete streets principles which prioritize equitable and inclusive community engagement so that all users of the city's transportation system can understand and safely utilize complete streets project elements and to make such materials available on the complete streets web page required under section 431-807 of the Code

~~(c-6) The city shall~~ By fostering partnerships with the State of Indiana, neighboring communities and counties, and developers, businesses and school districts to develop facilities and accommodations that further the city's complete streets policy and to continue such infrastructure beyond the city's borders.

~~(d 7) The city shall~~ By the department of public works approaching every transportation improvement and project phase undertaken for the city as an opportunity to create safer, more accessible streets and highways for all users by applying the complete streets policy in its. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation and maintenance. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects and major maintenance, must also be included.

(8) By the department of public works and the department of business and neighborhood services requiring other persons undertaking a transportation improvement project to apply the complete streets policy in their planning, programming, design and construction of a transportation improvement project as a condition of approval of the project and the issuance of permits to construct the project.

(9) By the department of metropolitan development and the department of business and neighborhood services requiring persons proposing to privately construct streets or parking lots to apply the complete streets policy in their planning, programming, design and construction of a street or parking lot as a condition of approval of the associated development project and the issuance of permits to construct the street or parking lot.

(10) By the department of business and neighborhood services requiring all persons, public utilities and franchisees to apply the complete streets policy in their planning, programming, design and construction of facilities which such person, public utility or franchisee may have within the roadway of a street or highway as a condition of approval of permits for conducting activities in the roadway.

SECTION 5. Section 431-804 of the "Revised Code of the Consolidated City and County" is hereby amended by adopting a new Section 431-804, to read as follows:

Sec. 431-804. – Exemptions; exceptions.

(a) *Exemptions.* The following are exempted from application of the complete streets policy:

(1) Construction undertaken by the Indiana Department of Transportation (INDOT) on streets or highways designated as part of the state highway system. However, where possible the department of public works should consistently advocate INDOT to consider complete streets principles and the effect of its projects on all users of city streets or highways, including those city streets or highways that cross or otherwise intersect with a designated state highway.

(2) Construction undertaken by a municipality, municipal corporation or other political subdivision in Marion County on streets or highways under its jurisdiction. However, where possible the department of public works should encourage such municipalities, municipal corporations and political subdivisions to consider complete streets principles and the effect of their projects on all users of city streets or highways, including those city streets or highways that cross or otherwise intersect with a street or highway under their jurisdiction.

(3) Maintenance performed by the department of public works on streets or highways under the city's jurisdiction which are determined, in writing, by the director of public works as being impracticable or inapplicable.

(b) *Exceptions.* For any activity to which the complete streets policy applies, a request for an exception shall be determined by established departmental criteria and accompanied by supporting documentation and data demonstrating that application of complete street principles is unnecessary, unduly cost prohibitive, inappropriate because it would be contrary to public safety, or other available means or factors indicate an absence of need, including future need. Measures such as average daily counts of traffic, pedestrian or bicycle use of a street or highway alone shall not be justification for an exception to the complete streets policy. If granted, the exception shall be made in writing, and all documentation related thereto shall be publicly available.

(c) The following are empowered to grant exceptions to the complete streets policy based on the criteria set forth in subsection (b) above:

(1) For a transportation improvement project undertaken by the department of public works for the city, the director of public works may grant an exception.

(2) For a transportation improvement project undertaken by any person other than the city, the director of public works may grant an exception.

(3) For privately constructed streets and parking lots that are a part of a subdivision plat, the plat committee of the metropolitan development commission may grant an exception.

(4) For privately constructed streets and parking lots that are not a part of a subdivision plat, the director of the department of business and neighborhood services may grant an exception.

(5) For public utilities undertaking activities to construct, relocate, operate and maintain a public utility facility within the roadway of a street or highway which involves activities falling within the meaning of "construction" as defined in this chapter, the director of the department of business and neighborhood services may grant an exception.

(6) For franchisees or any other person authorized to use or occupy the roadway of a street or highway pursuant to a permit, encroachment license, operating agreement, or as otherwise may be established by the Code undertaking activities to construct, relocate, operate and maintain a facility within the roadway of a street or highway which involves activities falling within the meaning of "construction" as defined in this chapter, the director of the department of business and neighborhood services may grant an exception.

(d) Reporting on exceptions shall be done in accordance with section 431-807 of the Code.

SECTION 6. Section 431-805 of the "Revised Code of the Consolidated City and County" is hereby amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 431-805. - Design standards.

(a) The city shall follow accepted or adopted design standards and use the best and latest design standards concerning complete streets principles available in its planning, programming, design and construction of transportation improvement projects. In recognition of context sensitivity, public input and the needs of many users, a flexible, innovative and balanced approach that follows other appropriate design standards may be considered, provided that a comparable level of safety for all users is present.

(b) The transportation standards adopted by the board of public works shall include standards for application of the complete streets policy, and the department of public works shall regularly review and request that the board update the standards to incorporate the latest design guidance, standards and recommendations regarding complete streets.

(c) The department of metropolitan development shall regularly review the street design standards of the subdivision control ordinance and any related regulations which apply to private construction of new streets and request updates to them to incorporate the latest design guidance, standards and recommendations regarding complete streets.

SECTION 7. Section 431-806 of the "Revised Code of the Consolidated City and County" is hereby amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 431-806. - Performance measures.

(a) The city shall measure the success of ~~this Complete Streets~~ the complete streets policy using, by way of example but not limited to, the following performance measures:

- Total miles of bike lanes.
- Linear feet of new sidewalks or other pedestrian accommodations.
- Number of new curb ramps installed along city streets or highways.
- Number of Ccrosswalk and intersection improvements.
- Percentage of transit stops accessible via sidewalks and curb ramps ~~(beginning in June 2014)~~.
- Rate of crashes, injuries, and fatalities by mode.

- Percentage of private and public projects applying complete streets principles which are located within one-half mile of a school.
- Percentage of private and public projects applying complete streets principles which are located in underserved neighborhoods.
- Number of private and public projects for which exceptions to the complete streets policy are granted and the percentage of those granted exceptions located in underserved neighborhoods.
- Other relevant measures as determined by the city.

~~(b) Unless otherwise noted above, within six months of ordinance adoption, the city shall create individual numeric benchmarks for each of the performance measures included, as a means of tracking and measuring the annual performance of the ordinance. Quarterly reports shall be posted on-line for each of the above measures. Reporting on performance measures shall be done in accordance with section 431-807 of the Code.~~

SECTION 8. Section 431-807 of the "Revised Code of the Consolidated City and County" is hereby amended by adopting a new Section 431-807, to read as follows:

Sec. 431-807. - Reporting.

(a) *Complete streets web page.* The city shall create a page on its internet website as a repository of information regarding the complete streets policy, including educational materials, design standards, reference materials and the reporting required by this section.

(b) *Performance measures reporting.* The department of public works, the department of metropolitan development (on behalf of the plat committee) and the department of business and neighborhood services shall each create individual numeric benchmarks for each of the performance measures set forth in section 431-806 of the Code as a means of tracking and measuring the annual performance of the complete streets policy and shall post a report on each of the performance measures on the complete streets web page on an annual basis.

(c) *Exceptions reporting.* The director of public works, the director of metropolitan development (on behalf of the plat committee) and the director of business and neighborhood services shall each prepare a quarterly report summarizing all exceptions to the complete streets policy granted in the preceding quarter pursuant to section 431-804(b) of the Code and shall post the quarterly reports on the complete streets web page, with each reporting entity's annual report to be posted on the web page and submitted to the council. The annual reports shall be presented by the reporting entities to their respective council committees.

SECTION 9. Chapter 441 of the "Revised Code of the Consolidated City and County" is hereby amended by the addition of a new Article VI, to read as follows:

ARTICLE VI. – FATAL CRASH REVIEW TEAM

Sec. 441-600. – Fatal Crash Review Team.

(a) A fatal crash review team is hereby established and shall be comprised of the following members:

- (1) A sworn member of the Indianapolis metropolitan police department appointed by the chief of police;
- (2) An employee of the department of public works appointed by the director of public works, which employee should preferably be a traffic engineer;
- (3) An employee of the department of metropolitan development by the director of metropolitan development, which employee should preferably be a transportation planner; and

- (4) Two (2) persons appointed by the council, at least one (1) of which shall represent an organization which advocates on behalf of pedestrians and bicyclists.
- (b) Appointees shall serve at the pleasure of the appointing authority.
- (c) Appointees under subsection (a)(4):
- (i) Must be residents of Marion County;
 - (ii) Shall serve a term of two (2) years;
 - (iii) May be reappointed for successive terms.
- (d) Vacancies under subsection (a)(4) shall be filled for the remainder of the term.

Sec. 441-601. – Review of fatal crashes; recommendations.

(a) Whenever a vehicular crash occurs within the jurisdiction of the city resulting in the death of any person, the Indianapolis metropolitan police department shall initiate a review of the circumstances of the crash by the fatal crash review team after completion of the police investigation of the crash and any determination by the Marion County prosecutor whether criminal charges will be filed in relation to the crash.

(b) The fatal crash review team shall meet one (1) or more times as necessary to review all relevant information about the fatal crash to determine whether the design, the traffic controls, or other elements of the existing roadway on the streets or highways where the crash occurred could be improved in a way that will increase safety of all users of that street or highway.

(c) At the conclusion of its review, the fatal crash review team shall make a written report to the mayor, the chief of police and the director of public works recommending roadway design changes, improved traffic controls, or other improvements or mitigation measures that the team determines are advisable and feasible to implement in order to improve the safety of the of all users of that street or highway where the fatal crash occurred.

SECTION 10. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 11. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2022, at _____ p.m.

ATTEST:

Vop Osili
President, City-County Council

SaRita Hughes
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2022.

SaRita Hughes
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2022.

Joseph H. Hogsett, Mayor