

Ordinance No. 676-2020

By Council Member McCormack

AN EMERGENCY ORDINANCE

To repeal and replace Ordinance No. 798-11, passed September 19, 2011 by enacting an ordinance to provide for the evaluation of Complete and Green Street elements in all construction and maintenance projects within the public right-of-way.

WHEREAS, Complete and Green Streets address the livability and environmental needs of our community by building upon efforts to promote an equitable multimodal transportation system; and

WHEREAS, the main objectives of Complete and Green Streets are to design, build, and maintain roads, including multi-use trails, that safely and comfortably accommodate all users of roadways, including pedestrians, bicyclists, shared mobility device users, motorcyclists, public transit and school bus riders, motorists, delivery and service personnel, freight haulers, and emergency responders; it includes people of all ages and abilities, while reducing the environmental impact of our transportation infrastructure by incorporating green infrastructure strategies to reduce waste, storm water run-off and energy consumption; and

WHEREAS, integrating sidewalks, low stress bicycle facilities, public transit amenities, safe crossings, and green infrastructure elements in the initial design of a project spares the expense and complications of retrofits later; and

WHEREAS, the City of Cleveland is committed to the creation of a network of Complete and Green Streets that will encourage economic growth, increase property values, eliminate serious and fatal crashes through safety improvements, improve public health and fitness, reduce harmful emissions, and reduce the overall demand on or roadways by allowing people to replace motor vehicle trips with sustainable transportation options while also improving the environmental and social well-being of citizens;

WHEREAS, the desired outcome of the Complete and Green Streets Policy is to create an equitable, balanced, and effective transportation system that prioritizes access and safety for the most vulnerable road users and areas that have seen historical underinvestment, where every roadway user can travel safely and comfortably, and where sustainable transportation options are available to everyone; and

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WHEREAS, the desired outcome of the Complete and Green Streets Policy will enable access to destinations such as schools, parks, healthy food retail establishments, public transit, and other destinations that are critical for health equity; and

WHEREAS, the goals of this Complete and Green Streets Policy are to create a comprehensive, integrated, and connected transportation network that supports dense, sustainable development and provides livable communities; to ensure safety, ease of use, and ease of transfer between modes for all users of the transportation system; and to provide context sensitive design flexibility for different types of streets, areas and users; and

WHEREAS, the Complete and Green Streets Policy is critical to achieving the goals of the Vision Zero commitment, which seeks to eliminate deaths and serious injuries from traffic crashes; and

WHEREAS, the City of Cleveland recognizes the need to provide a Complete and Green Streets Policy to assist in the management of stormwater runoff and provide environmental benefit; and

WHEREAS, other cities nationwide, including Pittsburgh, Baltimore, Phoenix, and Baton Rouge, have adopted Complete and Green Streets policies and legislation in furtherance of these guiding principles; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. Definitions

For purposes of this ordinance, the following terms, not defined in the Codified Ordinances of Cleveland, Ohio 1976, shall mean:

- (a) “Active Transportation” means being physically active for the purpose of transportation (typically biking or walking), and is distinct from being physically active for recreation;
- (b) “Connectivity” means the level to which travel routes are safe, accessible, and convenient for road users to use across varying distances;
- (c) “Green infrastructure” means stormwater source control measures that store, filter, infiltrate, harvest, and reuse or evapotranspire stormwater to increase resiliency of infrastructure by reducing stress on wet-weather drainage and

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collection systems, which increase co-benefits in support of healthy environments and strong communities;

- (d) “Livable communities” means communities offering transportation options that improve health, support vibrant neighborhoods, and connect people to economic and social opportunities throughout their communities;
- (e) “Multimodal transportation system” means a transportation network designed to accommodate a variety of road users, including motor vehicles, bicycles, pedestrians, and other mobility devices;
- (f) “Safe design” means with the intent of protecting all road users and reducing potential risks and/or conflicts;
- (g) “Shared mobility” means transportation services that are shared among users, including public transit, taxis and limos, bikesharing, carsharing (round-trip, one-way, and personal vehicle sharing); ridesharing (car-pooling, van-pooling), ridesourcing, scooter sharing, shuttle services, neighborhood jitneys, and commercial delivery vehicles providing flexible goods movement; and
- (h) “Vulnerable road users” means road users at risk due to lack of external protections, including pedestrians, cyclists, scooter riders, motorcyclists, and those with mobility, vision, and/or hearing challenges.

Section 2. That the Director of Capital Projects and the Director of City Planning shall plan, prioritize, implement, and enforce policies and guidelines related to safe, complete, and green streets in all types of projects, within the public right-of-way, including new construction, reconstruction, rehabilitation, repair, restriping and maintenance of transportation facilities and development projects.

Unless plans to individually construct new Complete and Green Streets elements exist, the implementation of Complete and Green Streets elements shall be evaluated for all types of public projects within the right-of-way.

Section 3. That the design of capital investments shall prioritize the most vulnerable road users and follow transportation standards and guidelines as adopted by the Director of Capital Projects to align with the intent of this ordinance. The City of Cleveland shall use the best and latest design guidelines, standards, and recommendations available when considering methods or providing development flexibility within safe design parameters and balanced design solutions between user and modal needs. A balanced approach considers aspects such as street design and width, desired operating speed, hierarchy of streets, connectivity, wayfinding signs and signal variation from a human scale for the needs and comforts of all users.

The City shall consider innovative or non-traditional design options where accepted design standards allow flexibility. Design criteria shall be based on the thoughtful application of engineering, architectural, and urban principles in addition to prescriptive guidelines. Best practices related to street design, construction, and operations can be found in, but are not limited to: Standards, including the following: The Ohio Manual of Uniform Traffic Control Devices (OMUTCD), The Policy on Geometric Design of Highways and Streets (“Green Book”), and the Americans with Disabilities Act (ADA) Standards for Accessible Design; Guidelines, including the following: Publications from ODOT, including the Location and Design Manual, Publications from the American Association of Highway Transportation Officials (AASHTO), Publications from the National Association of Transportation Officials (NACTO), including the Urban Street design guides, Publications from the Transportation Research Board, including the Highway Capacity Manual, City of Cleveland’s Complete and Green Streets Typology, NOACA’s Street Design Guidelines

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and Trail Crossing Typology Guidance, Cuyahoga County Complete Streets Toolkit, and processes, policies, and guidance adopted through the Vision Zero Taskforce; and Plans adopted by the City Planning Commission, including the following: Citywide Master Plan, Transportation for Livable Communities Initiative plans, Bikeway Master Plan, Vision Zero Action Plan, Safe Routes to School Travel Plan, Climate Action Plan, and RTA Strategic Plan, as well as in progress and future planning efforts.

Section 4. That Green Street elements are context sensitive to the right-of-way and based on guidelines contained in the following documents or organization policies: Cleveland Water Pollution Control guidelines, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal Guidelines, the Streetscape Design Guidelines Handbook, Title IV and V of the Northeast Ohio Regional Sewer District Code of Regulations and Plan Review, the Ohio Department of Transportation and Ohio Environmental Protection Agency Best Management Practices for Green Streets, and other guidelines that may be developed.

Section 5. That Green infrastructure or Complete Streets elements on resurfacing projects and other roadway maintenance projects conducted by the City of Cleveland shall be limited to minimal impact improvements that do not affect sub base, curbs and sidewalks or other elements outside the scope of a project, if it has been determined through the advisory process outlined in Section 6 of this ordinance that additional elements are unnecessary or infeasible. Elements that may be included are pavement markings and lane reconfiguration to accommodate bicycle facilities and/or public transit lanes, signage for cyclists or pedestrians and the use of sustainable materials.

Section 6. That the Director of Capital Projects and the Director of City Planning shall convene a Transportation Infrastructure Advisory Committee (TIAC) to the City Planning Commission within 60 days of the effective date of this ordinance, composed of eleven (11) members, six (6) of whom shall be appointed by Council, and five (5) of whom shall be appointed by the Mayor. The members of TIAC shall include the following:

- (a) a Council Member or staff appointed by Council;
- (b) a representative of a Metropolitan Planning Organization;
- (c) a representative of the Greater Cleveland Regional Transportation Agency;
- (d) a representative of Vision Zero Task Force;
- (e) a representative of a multi-modal advocacy organization;
- (f) a representative of the Northeast Ohio Regional Sewer District;
- (g) a representative of the Mayor's Office of Capital Projects;
- (h) a representative of the Department of City Planning Commission;
- (i) a representative of the Department of Public Safety; and
- (j) two resident representatives of the community at large.

Other than the representatives of City Departments, the term of the members shall be three (3) years; provided that of the initial appointments, four (4) shall be appointed for terms of two (2) years, and four (4) shall be appointed for terms of three (3) years. Vacancies in the Committee shall be filled in the same manner as the original appointment for the unexpired term. The Chairperson of the Committee shall be elected annually by a majority vote of the Committee members. The members of the TAIC shall serve without compensation.

Within the first six months, the committee shall adopt a process for capital improvement prioritization and project review based on Vision Zero recommendations and guided by values established in the citywide master plan Climate Action Plan, and

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other master of road-way specific plans adopted by the City. The committee shall use said process to maintain a corridor-specific Complete and Green Streets implementation list that identifies applicable Complete and Green Street elements for priority corridors to transmit to the Mayor's Office of Capital Projects to integrate into project scopes and to City Council for review prior to the final authorization of funding for said project. This timeline shall be incorporated in the early stages of street design as not to hinder project timeline. Projects that are not able to accommodate the Complete and Green Streets elements specified by the TIAC shall follow the formal exemption process outlined in Section 7.

The TIAC shall meet monthly to review and provide feedback on project scope and design for all transportation investments in the City of Cleveland and consider exemption requests as outlined in Section 7.

The TIAC shall conduct a post-construction evaluation of completed projects to assess effectiveness and collect community feedback for the annual report. The TIAC shall review this Complete and Green Streets ordinance annually and propose any necessary revisions.

Section 7. That exemptions to be considered include, but are not limited to, the following:

(a) The project involves a roadway on which non-motorized use is prohibited by law. In this case, an effort shall be made to accommodate active transportation users elsewhere;

(b) Where the cost of accommodation is excessively disproportionate to the need or probable use. Financial hardship exists when compliance with Complete and Green policies and guidelines constitutes a minimum of twenty (20) percent of the total project cost, but in no event more than one million dollars;

(c) Severe topographic or natural resource constraints;

(d) There is documentation that there is an absence of use by all except motorized users now and in the future even if the street were a complete street;

(e) Public transit enhancements when the street is not on a public transit route; and

(f) The project scope and/or design does not meet the Complete and Green streets elements identified as relevant by the TIAC in the Complete and Green Streets implementation List.

The Director of Capital Projects shall provide notice of all exemption requests to the TIAC and the City Council member whose ward or wards include a project seeking and exemption. The Mayor's Office of Capital Projects must submit documentation to the TIAC indicating why the facility or project should be exempt. The documentation shall include how the project will accommodate roadway users who will be adversely impacted by the exemption request.

Within 60 days of receiving an exemption request, the TIAC and City Council member representing the project area will review the exemption request, provide comments, and the TIAC shall hold at least one public hearing to receive public input, which public hearing may be held as part of a regular monthly TIAC meeting. Notice of the public hearing shall be posted on the City Planning Commission's website at least 14 days in advance and must include a summary of the exemption proposal.

Section 8. That all projects approved under the Complete and Green Streets Policy include provisions for an ongoing maintenance plan of the improvements. Alternative maintenance arrangements may be utilized to reduce the costs to the City for ongoing maintenance, such as maintenance agreements with adjacent property owners.

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Section 9. That the Director of Capital Projects and Director of City Planning shall provide an annual progress report to City Council, and made readily available to the public, on the implementation of the Complete and Green Streets policy. The annual report shall be prepared by the end of the second quarter of the following year and outline the previous year's accomplishments and list expected projects for the upcoming year. The report shall also serve to evaluate the performance and execution of the Complete and Green Streets Policy. Evaluation of performance may be described by and shall include the following performance measures, if available:

- (a) Use data by transportation mode;
- (b) Pre- and post-project crash data;
- (c) Pre- and post-project speed data;
- (d) Feedback from the community via community engagement exercises;
- (e) Linear feet of sidewalks built;
- (f) Number of ADA accessible curb ramps built;
- (g) Miles of bicycle facilities built by type;
- (h) Number of bicycle amenities built by type;
- (i) Number of public transit accessibility accommodations built by type;
- (j) Number of trees planted;
- (k) Gallons of stormwater captured;
- (l) Number of landscaping treatments by type;
- (m) Number of curb bump outs installed;
- (n) Number and type of crosswalk and intersections improvements;
- (o) Number of building permits pulled along project routes;
- (p) Number of public hearings held for Complete and Green Streets projects;
- (q) Number of exemptions from Complete and Green Streets policy approved and for what reason;
- (r) Other relevant information from the TIAC's post-construction evaluation of completed projects; and
- (s) Evaluation of complete streets in low-to-moderate income communities.

Section 10. That existing Ordinance No. 798-11, passed September 19, 2011 is repealed and replaced with this ordinance.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

jho
8-26-2020
FOR: Councilmember McCormack

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Council Members McCormack

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READ FIRST TIME on AUGUST 26, 2020

REPORTS

and referred to **DIRECTORS of Public Works, Public Safety, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Public Safety, Development Planning and Sustainability, Finance**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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REPORT after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

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COMMITTEE ON
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