# Ordinance No. 370-2022

**By Council Member McCormack and Mayor Bibb**

**AN EMERGENCY ORDINANCE**

To provide for the evaluation of Complete and Green Streets elements in City-sponsored transportation projects within the public right-of-way; and to repeal Ordinance No. 798-11, passed September 19, 2011.

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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 multiuse trails, that safely and comfortably accommodate all users of roadways, including pedestrians, bicyclists, 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 planning for a project minimizes waste and future retrofits; and

WHEREAS, the City of Cleveland is committed to the creation of a comprehensive, integrated, and connected transportation network of Complete and Green Streets that will encourage economic growth, support urban sustainable development, increase property values, eliminate serious and fatal crashes through safety improvements, improve public health, reduce harmful emissions, and reduce vehicular demand on our roadways by facilitating the use of sustainable transportation options while also improving the economic, environmental, and physical well-being of citizens; and

WHEREAS, the desired outcome of the Complete and Green Streets Policy is to provide an equitable and safe transportation network for travelers of all ages and abilities, including vulnerable road users and those from underserved communities that have faced historic disinvestment, where every roadway user can travel safely and comfortably, and where multimodal transportation options are available to everyone; and

WHEREAS, all City-sponsored Transportation Projects within the City of Cleveland should contribute to a transportation network that enables safe travel for all modes of transportation and addresses the current and future needs of all users; and

WHEREAS, the Complete and Green Streets Policy will provide flexibility for different types of streets, areas, and users; and

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

WHEREAS, the Complete and Green Streets Policy will support 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, 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) "City-sponsored Transportation Projects" mean projects for which the City is the project sponsor and is responsible for providing the scope of work.

(c) "Complete and Green Streets" means the City's commitment to ensure that, when possible:

1. Roads safely and comfortably accommodate users including pedestrians, bicyclists, mobility device users, motorcyclists, public transit users and motorists; and

2. Roadway projects incorporate stormwater source control measures that store, filter, infiltrate, harvest and reuse or evaporate stormwater to increase resiliency of infrastructure by reducing stress on wet-weather drainage and collection systems; and

3. Roadway projects add to the prevalence of trees and vegetation across the city; and

4. Roadway projects use sustainable and recycled materials.

(d) "Complete and Green Streets Policy" means the guidance and procedures developed by the Director of Mayor's Office of Capital Projects and Director of City Planning that address the inclusion of Complete and Green Streets elements 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.

(e) "Connectivity" means the level to which travel routes are safe, accessible, and convenient for road users to use across varying distances without gaps.

(f) "Safe Design" means with the intent of protecting all road users from death or injury.

(g) "Vulnerable Road Users" means road users at increased risk of injury due to a lack of the external protection of a vehicle, including pedestrians, cyclists, scooter riders, motorcyclists, and those with mobility, vision, and/or hearing challenges.

Section 2. That within 60 days of the effective date of this ordinance, the Director of the Mayor's Office of Capital Projects and Director of City Planning shall develop a Complete and Green Streets Policy for City-sponsored Transportation Projects within the public right-of-way. The Policy shall also encourage non-City sponsors of transportation and development projects within the City of Cleveland to include Complete and Green Streets elements. The Complete and Green Streets Policy, and associated design resources described in Sections 4 and 5, must be made publicly available online.

That Complete and Green Streets elements on residential and other small-scale resurfacing projects and routine maintenance projects conducted by the City of Cleveland may be limited to pavement markings and lane reconfiguration to accommodate recommended bicycle facilities and/or public transit lanes, signage for cyclists or pedestrians, and the use of sustainable materials, if it has been determined through the Complete and Green Streets Policy that additional elements are unnecessary or outside the scope of the repair or improvement. Routine maintenance includes pavement patching (diamond grinding, concrete panel repair, fog coat, seal coat/ chip seal/ and slurry seal). Emergency repairs are not subject to this ordinance.

Section 3. That the Director of the City Planning Commission shall lead the development and adoption of an Active Transportation Plan that, in conjunction with Greater Cleveland Regional Transit Authority's ("GCRTA") planning, will inform the desired multimodal elements on the local road network. The Active Transportation Plan shall be reviewed and updated at a minimum every 5 years to maintain a current vision for multimodality in the city.

Section 4. That the design of City-sponsored Transportation Projects shall address the needs of all road users, with particular attention to the most vulnerable. The Complete and Green Streets Policy adopted by the City of Cleveland shall guide context-sensitive design as articulated in transportation design manuals, standards, and guidelines based upon proven solutions in urban design or street design. The Director of the Mayor's Office of Capital Projects shall use the best and latest design resources available and shall consider innovative or non-traditional design options where accepted design standards allow flexibility. A balanced design solution between user and modal needs considers aspects such as street design, desired operating speed, hierarchy of streets, connectivity, wayfinding signs, and signal timing for the needs and comfort of all users.

That resources containing proven design solutions related to street design, construction, and operations include, but are not limited to:

Standards, including the following: The Ohio Manual of Uniform Traffic Control Devices (OMUTCD); the Ohio Traffic Engineering Manual; The Policy on Geometric Design of Highways and Streets ("Green Book"); the Americans with Disabilities Act (ADA) Standards for Accessible Design; Publications from ODOT, including the Location and Design Manuals Volumes I & II; and Publications from the American Association of Highway Transportation Officials (AASHTO), including but not limited to the Highway Safety Manual and Highway Capacity Manual;

Guidelines, including the following: Public Right-of Way Accessibility Guidelines (PROWAG); Publications from the National Association of City Transportation Officials (NACTO), including the Urban Street design guides; Publications from the Transportation Research Board; City of Cleveland's Complete and Green Streets Typology; NOACA's Street Design Guidelines 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 5. That green street elements are context sensitive to the right-of-way and based on guidance contained in the following resources: Cleveland Water Pollution Control guidelines, Engineering and Construction Specifications, Cleveland Public Power

Streetlight Guidelines, Traffic Engineering Signal Guidelines, and other guidelines that may be developed.

Section 6. That all relevant departments of the City shall:

(a) Make Complete and Green Streets a routine part of everyday operations;

(b) Approach every Transportation Project and program as an opportunity to improve the transportation network for all users;

(c) Work in coordination with other departments, agencies, and jurisdictions to achieve Complete and Green Streets; and

(d) Encourage other agencies or entities working within the City right-of-way to align with these goals.

Section 7. That a Transportation Infrastructure Advisory Committee (TIAC) shall be appointed by Council and the Administration within 90 days of the effective date of this ordinance. The members of the TIAC shall include, but not be limited to, the following:

(a) the Council Member serving as the co-chair of the Vision Zero Taskforce, or, if the Vision Zero Taskforce is inactive, a Council Member or staff appointed by Council;

(b) the member of the City Administration serving as the co-chair of the Vision Zero Taskforce, or, if the Vision Zero Taskforce is inactive, a member of the City Administration appointed by the Mayor;

(c) a representative of the Ohio Department of Transportation;

(d) a representative of the Northeast Ohio Areawide Coordinating Agency;

(e) a representative of the Greater Cleveland Regional Transit Authority ("GCRTA");

(f) a representative of the Northeast Ohio Regional Sewer District;

(g) a representative of a multimodal advocacy organization;

(h) a representative from an organization serving people with disabilities; and

(i) two resident representatives with experience relevant to Complete and Green Streets.

The Council shall have appointing authority for committee members described in divisions (c) through (f) above. The Mayor shall have appointing authority for committee members described in divisions (g) and (h) above. The Council and the Mayor shall each have appointing authority for one of the committee members described in division (i). The term of the members shall be three (3) years; provided that of the initial appointments, five (5) shall be appointed for terms of two (2) years, and five (5) 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 TIAC shall serve without compensation.

Within six (6) months of the effective date of the ordinance, the Director of the Mayor's Office of Capital Projects shall convene the TIAC. The TIAC shall meet quarterly to review and provide feedback on City-sponsored Transportation Projects in accordance with the Complete and Green Streets Policy and review exceptions as outlined in Section 8.

An interdepartmental team of City staff, including representatives from the City Planning Commission, the Mayor's Office of Capital Projects, and the Department of Public Works, will regularly review upcoming City-sponsored Transportation Projects in advance of initial project scoping and compile a list of recommended Complete and Green Streets design elements for inclusion. The City shall present these recommendations to the TIAC for advisory input to create a list of desired Complete and Green Street elements by project, which will be called the "Complete and Green Streets List."

The Complete and Green Streets List shall be transmitted to the Director of the Mayor's Office of Capital Projects to inform project scopes and to City Council for review prior to the final authorization of funding for projects. This timeline shall be incorporated in the early stages of City-sponsored Transportation Project development to incorporate feedback and not hinder project timelines. Projects that are not able to accommodate the Complete and Green Streets elements as advised on the Complete and Green Streets List shall follow the exception process outlined in Section 8.

The TIAC shall review this Complete and Green Streets ordinance annually and propose any necessary revisions.

Section 8. That the exception process established in this Section serves to document design decisions and rationale in a public, transparent fashion. For every project element on the Complete and Green Streets List that cannot be implemented, the Director of the Mayor's Office of Capital Projects shall provide the TIAC with the basis for his or her decision along with any supporting documentation. The basis for an exception may include one or more of the following causes:

(a) Use of the street is limited to only motorized users. In this case, an effort shall be made to accommodate active transportation users elsewhere;

(b) The cost of accommodation is disproportionate to the need or probable use;

(c) There are severe topographic or natural resource constraints;

(d) Public transit enhancements when the street is not on an existing or planned public transit route; and

(e) Non-compliance with the adopted design manuals and standards as referenced in Section 4.

The Director of the Mayor's Office of Capital Projects shall provide all exception documentation to the TIAC, the City Council member(s) representing the project area, and the City Council's Committee on Transportation and Mobility. The documentation shall include how the project will accommodate roadway users who will be adversely impacted by the exception.

Within 30 days of receiving exception documentation, the TIAC, City Council member or members representing the project area, and City Council's Transportation and Mobility Committee will review the documentation and provide comments to the Director of the Mayor's Office of Capital Projects. Exception documentation and comments shall be posted publicly on the City's website.

Section 9. That the Director of the Mayor's Office of Capital Projects and the Director of City Planning shall provide to City Council, and post publicly on the City's website, an annual progress report on the implementation of the Complete and Green Streets Policy. The annual report shall be prepared by the end of the third 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 include the following measures, if available:

(a) Pre- and post-usage 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) Citywide linear feet of sidewalks built;

(f) Citywide number of ADA accessible curb ramps built;

(g) Citywide miles of bicycle facilities built by type;

(h) Citywide number of public transit accessibility accommodations built by type;

(i) Citywide number of trees planted;

(j) Citywide number of pedestrian refuge islands installed;

(k) Citywide number of curb extensions installed;

(l) Citywide number and type of crosswalk and intersections improvements;

(m) Number of new construction or rehabilitation building permits issued along project routes; and

(n) List of documented exceptions from Complete and Green Streets Policy.

Section 10. That, within 6 months of the effective date of this ordinance, a Complete Streets Community Engagement Plan shall be developed by the City Administration as part of the Complete and Green Streets Policy to describe the process for community engagement related to City-sponsored Transportation Projects.

Section 11. That the Directors of the Office of Capital Projects and City Planning Commission, as appropriate, ("Appropriate Director") are authorized to employ by contract or contracts one or more professional consultants or firms of professional consultants for the purpose of supplementing the regularly employed staff of the departments of the City of Cleveland to provide professional services necessary to develop, review and update the Active Transportation Plan and the Complete and Green Streets Policy, and to conduct project evaluation and annual reporting as described in Sections 3 and 9 of this ordinance respectively. The selection of the professional consultants or firms of professional consultants shall be made by the Board of Control on the nomination of the Appropriate Director. The compensation to be paid for the services shall be fixed by the Board of Control and shall be paid from the funds or funds deemed appropriate by the Director of Finance and that are appropriated for this purpose.

Section 12. That, notwithstanding any provisions of the Codified Ordinances of Cleveland, Ohio, 1976, the contrary, the Appropriate Director is authorized to apply for and accept from various entities, both public and private, such grants and gifts as they become available; provided that any such gifts may be in the form of money, material, or services. The Appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under any grant or gift, and, upon acceptance of any grant or gift by the Appropriate Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and, in the case of gifts, for the purposes designated by the donor. The Appropriate Director shall report the acceptance of any grant or gift to the Clerk of Council. Any funds accepted under this section shall be deposited in the appropriate fund determined by the Director of Finance and shall be expended in the same manner as other public funds, unless specifically provided for in the terms of the gift or grant, or as authorized by ordinance of Council.

Section 13. That the Appropriate Director is authorized to make one or more written standard purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items materials, equipment, supplies, and services to conduct pre- and post-construction evaluations, including but not limited to, speed radars, counter equipment, other similar types of equipment, and maintenance and licenses related thereto, including labor and materials if necessary, for a period of two (2) years, with two options to renew for additional two-year periods, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the appropriate department. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. The first of the two-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the two-year options to renew is exercised, then the second of the two-year options to renew may be exercised at the option of the Appropriate Director, without the necessity of obtaining additional authority of this Council.

Section 14. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Appropriate Director may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 15. That the cost of the contract or contracts authorized shall be paid from the appropriate funds as determined by the Director of Finance.

Section 16. That existing Ordinance No. 798-11, passed September 19, 2011, is repealed.

Section 17. 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.

SM/
4-18-2022
FOR: Council Member McCormack

# Ord. No. 370-2022

**By Council Member McCormack and Mayor Bibb**

**AN EMERGENCY ORDINANCE**

To provide for the evaluation of Complete and Green Streets elements in City-sponsored transportation projects within the public right-of-way; and to repeal Ordinance No. 798-11, passed September 19, 2011.

**READ FIRST TIME on APRIL 18, 2022** **REPORTS**
**and referred to DIRECTORS of Capital Projects, Public Works, City Planning Commission, Finance, Law;**
**COMMITTEES on Transportation and Mobility, Municipal Services and Properties, Development Planning and Sustainability, Finance Diversity Equity and Inclusion**

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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Published in the City Record_____

**REPORT**
**after Second Reading**

PASSAGE RECOMMENDED BY COMMITTEE ON
**TRANSPORTATION and MOBILITY**
FILED WITH COMMITTEE

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

PASSAGE RECOMMENDED BY COMMITTEE ON
**DEVELOPMENT, PLANNING AND SUSTAINABILITY**
FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY and INCLUSION**
FILED WITH COMMITTEE