

Introduced by: Councilmember Schultz

CITY OF TAKOMA PARK, MARYLAND

**RESOLUTION 2012-16
A RESOLUTION SETTING A POLICY FOR
NEW SIDEWALK DESIGN AND INSTALLATION**

WHEREAS, the City Council has identified a goal to create and maintain a livable community that is vibrant, healthy, and safe, with convenient transportation for all residents; and

WHEREAS, the City of Takoma Park's Strategic Plan (FY2010 – FY2015) establishes, as a shared goal, the creation of a community that is “fiscally, environmentally and economically sustainable;” and,

WHEREAS, one of the strategies endorsed by the Council in support of that goal is to “expand and enhance existing infrastructure to provide access to, and promote increased use of, alternative modes of transportation and walking;” and

WHEREAS the City Council wishes to formalize its intent in this regard and to provide direction to the City Manager relative to the process to be followed to initiate the planning process for new sidewalk locations in the City; and

WHEREAS, by Resolution 2010-14 (attached hereto and incorporated by reference herein), the City Council adopted the Toole Design Group Priority Ranking System for prioritizing sidewalk installation and ADA compliance projects.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT this resolution and policy supercede the Priority Ranking System adopted by Resolution 2010-14 for prioritizing new sidewalk installation projects; and

BE IT FURTHER RESOLVED THAT the City's policy regarding new sidewalk design and installation shall be as follows:

1. There are two ways to initiate a planning process for sidewalks:
 - A. The City Council or City Manager identifies a particular location and deems it a priority or a safety concern, or
 - B. Residents request the initiation of a sidewalk planning process via:
 - i) a request by an active and recognized neighborhood association; or
 - ii) a request by residents of the affected area that the City perform a survey of the households in the affected area and at least 50% of the responders provide a yes vote.

2. The affected area is defined as both sides on the block(s) where the potential sidewalk is to be considered, any continuation of the same street for one block in each direction, and the cross streets, one block in each direction, unless unique neighborhood features dictate a modified configuration as determined by City staff.
3. City staff will review the request and determine the appropriate length of the proposed sidewalk, to ensure that it will function effectively and be in compliance with Federal and State regulations.
4. Once a request is received by any of the methods listed above, the City will schedule a community meeting. All households in the affected area will be mailed a notice notifying them of the meeting. The purpose of the meeting will be to provide factual information about the requirements for the size, location and construction impacts of a sidewalk and inform residents of the City's planning process for new sidewalk requests.
5. After the meeting, the City will mail a survey to the households in the affected area. If at least 50% of the responses received are positive, the project will be assigned to a design engineering firm for development. The design development process will be dependent on funding and requests will be placed in a queue based on the date the request was received or survey was completed.
6. Unless the City Council, by majority vote, decides to override the majority vote of the affected area, the project will proceed to the design phase.
7. The selected design firm will perform a right-of-way boundary survey and develop design proposals for the proposed sidewalk. The firm will prepare drawings of the proposed sidewalk location to the 30% detail.
8. The City has established the following recommendations to be provided to the design firm for consideration when developing sidewalk designs:
 - A. The sidewalk is to be located in the right-of-way when possible. If right-of-way is not available, the City will need to enter into an agreement or receive an easement from the property owner to place a portion of the sidewalk on private property.
 - B. When roadway width is adequate, consideration will be given to locating the sidewalk partially or completely within the existing street pavement to reduce the amount of impervious area added by the new sidewalk and decrease the impact on adjacent residential property.
 - C. The new sidewalk design will minimize tree removal to the maximum extent possible. The condition of the trees will be noted and an inventory of trees in the affected right-of-way or within 50 feet of the proposed sidewalk will be developed. Methods to protect trees shall be incorporated into the design and may include building extensions into the street or right-of-way to allow the sidewalk to pass around existing trees.

- D. If a tree is removed for the new sidewalk, the City will follow the Tree Ordinance requirements for replanting and the cost of replanting will be included in the project.
 - E. The location of utility lines and poles will be noted as they limit the planting of large shade trees. The side of the street with the utility poles will be considered first for the sidewalk, as it already limits the impact on future tree planting, and may have street lighting.
 - F. The City shall coordinate any sidewalk development with planned work by public utilities, traffic safety projects, or City tree planting.
 - G. If the property owner has vegetation, a lead walk, retaining wall or other item located in the right-of-way, the project will include the cost for removal and relocation of that item when appropriate.
 - H. The City has established stormwater management requirements that will be followed and will be included in the design development. These require providing for infiltration of stormwater runoff through grassy swales, bio-retention areas, or other methods.
 - I. The standard width of new sidewalk will meet or exceed ADA accessibility standards. The sidewalk may be wider if a wider width is specified in a master, sector, development or site plan or design guidelines; connects existing wider sidewalk segments; is needed to accommodate heavy pedestrian traffic (e.g. adjacent to storefronts, institutions or transit access); or is requested by the community during the design process.
 - J. When the right-of-way space is wide enough, the design preference will be to include a green strip between the curb and the proposed sidewalk. A green strip provides for runoff infiltration, sufficient space for new tree planting, and provides a buffer from the street which is particularly beneficial during snow removal operations.
 - K. Depending on the size of the new sidewalk, the City may need to apply for a sediment and erosion control permit (if the project will disturb over 5,000 square feet) and a Forest Conservation Plan (if the affected area is 40,000 square feet).
9. The City will hold a community meeting to present the proposed design. All households in the affected area will be mailed a notice of the meeting. The purpose of the meeting will be to solicit responses to the design, allow residents to comment and suggest changes and notify residents of the next step in the process. If there are significant changes proposed by the community during the meeting, those proposals will be discussed by City staff and, if supported, the design firm will be asked to incorporate the changes into the design. Another community meeting will be held to review the revised design.
10. Following the review meeting, the City will mail another survey to the households on the side of the street where the proposed sidewalk is to be located in the affected area asking if they support the construction of the sidewalk as designed. If at least 50% of the responses

received to the survey are positive, the City staff will request the design firm to finalize the drawings to construction ready documents.

11. Unless the City Council, by majority vote, decides to override the majority vote of the affected area, the project will proceed to the construction phase.
12. If, at the end of the process, a new sidewalk request does not receive support from at least 50% of the respondents in the affected area and the Council chooses not to override the decision, then a period of at least two years must pass before a new request is submitted for the same area.
13. Actual construction of any new sidewalk will be based on funding established by the Council. Approved new sidewalks will be placed in a queue based on approval date.

Adopted this 19th day of March, 2012.

Attest:

Jessie Carpenter
City Clerk