

Introduced by: Councilmember Small

CITY OF TAKOMA PARK, MARYLAND

RESOLUTION 2024-20

**RESOLUTION ADOPTING THE ADMINISTRATIVE REGULATION FOR
PROCEDURES FOR NEW SIDEWALK FACILITY REQUESTS
AND RESCINDING RESOLUTION 2015-32**

WHEREAS, the City had an existing sidewalk request policy established by Resolution 2015-32: A Resolution Setting a Policy for New Sidewalk Design and Installation; and

WHEREAS, in 2022, the Council adopted Resolution 2022-41, Resolution on Pedestrian and Transportation Safety, directing staff “to develop and present revised traffic calming, sidewalk request, and street safety policies and prioritization procedures for City Council consideration”; and

WHEREAS, the City staff sought to design a simplified process that would be more efficient, equitable and data-driven; and

WHEREAS, the Housing & Community Development, Public Works, and Police Departments have worked to develop the Administrative Regulation for New Sidewalk Requests and a prioritization system for staff’s use in evaluating possible projects; and

WHEREAS, as required by Takoma Park Code 2.12.050, notice was published in the March 2024 *Takoma Park Newsletter* and a public comment period was open from March 1 to April 5, 2024; and

WHEREAS, public comment from the community and Council was incorporated and presented to the City Council on May 29, 2024; and

WHEREAS, Takoma Park Code 2.12.050-D2: Proposed Final Regulations – Final Action states: “2. The Council may accept, modify or withdraw a proposed final regulation at the earliest reasonable time for a Council meeting. The Council’s acceptance, modification or withdrawal of the proposed final regulation shall be the final action on the regulation”; and

WHEREAS, Takoma Park Code 2.12.050-D3: Proposed Final Regulations – Final Action states, “If the Council takes no action on the proposed final regulation, the proposed final regulation shall become the final action on the regulation”; and

WHEREAS, Council reviewed and requested modifications to the draft Administrative Regulation.


NOW THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park hereby accepts the adoption of the Administrative Regulation on Procedures for New Sidewalk Facility Requests as presented by City staff on May 29, 2024, with modifications; and

BE IT FURTHER RESOLVED THAT Resolution 2015-32: A Resolution Setting a Policy for New Sidewalk Design and Installation” is hereby rescinded; and

BE IT FURTHER RESOLVED THAT, the process and prioritization tool will be reviewed by the City Council twelve (12) months after adoption.

Adopted this 5th day of June, 2024.

Attest:


Jessie Carpenter, CMC
City Clerk

ADMINISTRATIVE REGULATION NO. 2024-01 <i>(supersedes res 2015-32)</i>		Page 1 of 5
Subject: Procedures for New Sidewalk Facility Requests		
Effective Date: July 1, 2024	<i>Approved by Council Resolution 2024-20</i>	

PURPOSE/SCOPE:

To provide written procedures for the administration of Takoma Park Code Article X Public Ways and Sidewalks, Section 1003 Powers as to Sidewalks, as amended, pertaining to the request, design and implementation process for new sidewalk.

Sidewalks are defined as dedicated buffers on a roadway that provide people with space to travel within the public right-of-way separated from motor vehicles and on-road bicycles. At a minimum, new or rebuilt sidewalks should be designed to comply with accessibility standards identified by Federal and State regulations. Where raised paved sidewalks are not feasible, separated pedestrian spaces may be delineated in the roadway with temporary materials, such as paint, thermoplastic, bollards, posts, or other visual or tactile dividers.

LEGAL CONSTRUCTION:

These regulations are subordinate to applicable City, County, State, and Federal law and shall be construed as being consistent with said applicable laws.

PROCEDURES:

- I. Request for New Sidewalk Installation.
 - A. Project Initiation.
 - 1. A Takoma Park resident(s) may submit a request to the City Manager for a new sidewalk facility located within one-quarter (1/4) of a mile from their primary residence.
 - 2. An individual Takoma Park City Councilmember may submit a request to the City Manager for a new sidewalk facility within their ward boundaries.
 - 3. Any request submitted pursuant to paragraphs 1 and 2 above may include a description of the preferred specific location and design elements of the proposed sidewalk facility, although the final design will be determined by the City Manager in consultation with residents pursuant to these regulations.
 - 4. Nothing in these regulations shall be construed as preempting the City from installing, altering, maintaining, or removing a sidewalk facility on its own initiative.

Proposed: Daryl Braithwaite, PW Director and Ira Kowler, HCD Director	Date: 6/5/2024
Approved: Robert DiSpirito, City Manager	Date: 6/5/2024

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B. City Evaluation of Request

1. Upon submission of the request, the City Manager will conduct an evaluation of the proposed new sidewalk facilities.
2. The City Manager will conduct an evaluation of the proposed location of the new sidewalk facilities in light of the following factors:
 - a) Pedestrian and Vehicle safety, such as crash and speed data;
 - b) Social Equity Across Neighborhoods, such as data on race, income and age;
 - c) Facilities that Generate Pedestrian and Vehicle Trips, such as community facilities, public transit stations, and parks;
 - d) Identified Population Impacts, such as the number of households impacted and existing plans for the area;
 - e) Project Physical Feasibility; and
 - f) Any other consideration the City Manager, in their sole discretion, deems relevant.
3. If the City Manager determines that the project meets the criteria established in Section B.2 above, then the proposed project will be added to the Department of Public Works’ general project queue based on priority ranking determined through the evaluation process mentioned in Section B.2.

C. Procedures for Community Project Input and Approval.

1. When a request for a new sidewalk facility advances through the evaluation process to the Department of Public Works’ general project queue, the City Manager will convene a public community meeting for all community stakeholders.
 - a) Notification of the meeting shall be posted publicly by the City Clerk at least fourteen (14) days in advance of the meeting.
 - b) The meeting shall be scheduled in coordination with the availability of City staff and consultants.

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- c) The meeting will include a review of the City’s evaluation of the project and a broader discussion about design considerations for the project.
 - d) The comments and feedback collected during this preliminary meeting will inform the preliminary designs for the new traffic calming device. All comments shall be shared with the City or external staff working on the designs of the project.
2. Comments gathered during the community meeting should be consolidated and posted publicly within fourteen (14) days of the meeting date.
 3. Annually and prior to the City Council’s budgeting process, City Staff will publish the list of evaluated requests, including prior projects not yet implemented.
 4. A prioritized list of requested projects will be submitted to the City Council for review during the budget process.
- D. Procedures for New Project Design and Implementation.
1. The City Manager shall develop a preliminary design for the project, based on the feedback gathered during previous stages of the request process. The design may be developed by City staff or with the support of external consultants.
 2. Upon completion of a preliminary design, the City Manager will host a community meeting to share the proposed designs and to collect additional feedback on the preliminary design. Notification of the meeting shall be posted by the City Clerk at least fourteen (14) days in advance of the meeting.
 3. After the community meeting to review the preliminary design, City staff or an external consultant may develop technical project designs. Upon completion of the final technical designs, the project will be added to the Department of Public Works’ construction queue, and the Department will commence the process to acquire any additional permits or approvals from local, County, or State agencies or utility companies.

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II. Miscellaneous.

A. The City has established the following recommendations to be provided to the design firm for consideration when developing new sidewalk designs:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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. If relocation is necessary for any utility poles, the cost should be factored into the decision-making process.
6. The City shall coordinate any sidewalk development with planned work by public utilities, traffic safety projects, or City tree planting.
7. 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.
8. 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.

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ADMINISTRATIVE REGULATION NO. 2024-02 (<i>supersedes res 2015-32</i>)		Page 5 of 5
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9. 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.
10. 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.
11. 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).

III. Implementation Responsibility.

- A. The City Manager or their designee shall be responsible for the proper placement of sidewalk facilities on City streets, and for overseeing the installation and maintenance of sidewalks in the City.
- B. Nothing in these regulations shall be construed as preempting the City from installing, altering, maintaining, or removing a sidewalk facility on its own initiative.

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