

**BLOOMINGTON TRAFFIC COMMISSION
AGENDA**

September 28, 2022

**4:30 P.M. –In-person and Virtual Hybrid meeting
City Hall, Council Chambers**

Online link: <https://bloomington.zoom.us/j/82384741464>

Meeting ID: 823 8474 1464

Dial in: +1 312 626 6799, 817 0785 4386# US (Chicago)

- I. Call to Order**
- II. Approval of Minutes – August 24, 2022**
- III. Communications from Commission**
- IV. Public Comment***
- V. Reports from Staff**
 - A. ADA Transition Plan, *Michael Shermis, Special Projects Coordinator***
- VI. Old Business***
 - A. TC-22-11: Resolution to amend Title 12 to define “right-of-way” – *Greg Alexander, Commission Member***
- VII. New Business***
 - A. TC-22-08: Restrict parking on both sides of W Duncan Drive – *Neil Kopper, Senior Project Engineer***
- VIII. Traffic Inquiries:**
- IX. Adjournment:**

Next meeting – October 26, 2022

**Action Requested/Public comment prior to any vote (limited to five minutes per speaker)*

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812) 349-3429 or e-mail human.rights@bloomington.in.gov.

**BLOOMINGTON TRAFFIC COMMISSION
MINUTES**

August 24, 2022

**4:30 P.M. –In-person and Virtual Hybrid meeting
City Hall, Council Chambers**

Online link: <https://bloomington.zoom.us/j/81707854386>

Meeting ID: 817 0785 4386

Dial in: +1 312 626 6799, 817 0785 4386# US (Chicago)

- X. Call to Order:** 4:33pm
Members present in-person: Fred Love, Greg Alexander, Sarah Ryterband, Ryne Shadday, Steven Reynolds, Neil Kopper (proxy)
Members present virtually: David Hoff; Dustin Kruse (joined at 4:40pm)
Staff: Beth Rosenbarger, Ryan Robling, Hamid Matinkhah
- XI. Approval of Minutes – July 27, 2022**
Motion to approve the minutes: Ryterband Second: Hoff
Yea: Kopper, Hoff, Love, Reynolds, Ryterband, Alexander, Shadday; Nay: 0
Minutes approved: 7-0
- XII. Communications from Commission**
Alexander: commented about speed and severity of crashes; about reducing speed and increasing attentiveness; and implementing the Transportation Plan.
Ryterband: shared a post from Vision Zero about traffic deaths increasing in the U.S. by 7%. Encourage engineering to report on what we're doing to reduce deaths locally.
- XIII. Public Comment*** - none
- XIV. Reports from Staff**
Staff introduced Ryan Robling as the new Planning Services Manager.
- XV. Old Business***
- XVI. New Business***
- A. TC-22-10: Adding no-parking areas to Strong Drive –Hamid Matinkhah, Engineering Technician**
Hamid presented for staff. Several commission members asked questions about parking in the area; what amount of parking is provided and if there is any parking available for visitors. Discussion ensued about parking at these businesses.
Move to approve TC-22-10: Ryterband; Second: Hoff
Yea: Hoff, Kruse, Love, Reynolds, Ryterband, Alexander, Kopper, Shadday; Nay: 0

Approved: 8-0

--Hoff: would like us to have a discussion about the Sheridan/Maxwell intersection in more depth. My understanding was that we would be discussing this at the next meeting.

Shadday: I think we need to ask Engineering to present this as an agenda item at the next Traffic Commission meeting. Please let the record reflect that. --

**B. TC-22-11: Resolution to amend Title 12 to define “right-of-way” –
*Greg Alexander, Commission Member***

Commissioner Alexander presented Resolution TC-22-11.

Discussion ensued about right-of-way, transportation, state code, etc. Tim Street from the Parks Department also responded to questions.

Tabled until the next meeting.

XVII. Traffic Inquiries:

Alexander: 14th and Walnut now has a stoplight, but the pedestrian walk sign is not automatic (you have to push the button). Will that we updated

Hoff summarized what is being asked of staff:

Alexander to talk with staff.

If the city is currently acting in opposition to state law about right-of-way.

For Engineering to report back about options instead of an all-way stop at the Maxwell/Sheridan intersection.

XVIII. Adjournment: 5:36pm

Next meeting – September 28, 2022

**Action Requested/Public comment prior to any vote (limited to five minutes per speaker)*

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**TRAFFIC COMMISSION
STAFF MEMO**

Case #: N/A
Date: September 2022

FROM: Michael Shermis, Special Projects Coordinator

Description and purpose:

The City of Bloomington invites the Traffic Commission to review and provide feedback to the City's ADA Transition Plan available at bloomington.in.gov/accessible. The feedback form is available at <https://bton.in/TZArS>.

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and amended effective January 1, 2009. Title II of the ADA prohibits state and local governments from discriminating against people on the basis of their disability and from excluding people from participation in programs, services, or activities because of their disability. Title II requires local governments to prepare Transition Plans. The goal is to ensure program accessibility for people with disabilities in our community by meeting or exceeding the requirements of the ADA. Periodic updates help us evaluate how well we are achieving that goal.

The City of Bloomington has designated the Bloomington Human Rights Director as the ADA Coordinator. The ADA Coordinator manages the City's efforts to comply with Title II of the ADA and to communicate with local businesses their responsibilities to comply with Title III of the ADA. The ADA Coordinator is responsible for investigating any alleged ADA violations by the City.

Sponsor's memo

From: Greg Alexander (September 21, 2022)

For Members of the Traffic Commission

The intent of the following ordinance is to clear up ambiguity in the law that authorizes the city's Engineering Department to regulate closures within the city's right-of-way. The administration has taken the position that the B-line is not right-of-way, and therefore not subject to the regulations in Chapter 12.08 (Use of Right-of-way) within Title 12 (Streets, Sidewalks, and Storm Sewers), and therefore Parks Department can close the B-line without oversight. Due to this assessment, the citizens of Bloomington are harmed when they use non-automobile transportation, as Parks does not have the necessary transportation engineering expertise to competently manage closures of the B-line.

It is important that all transportation facilities are managed according to appropriate engineering practices. Indiana state law requires that only engineers can perform this function. City code already provides for the Engineering Department to perform this oversight. All that is needed is for the administration to admit that the B-line is right-of-way.

The proposed ordinance simply takes the definition of "Right-of-way" from another chapter within Title 12 (Chapter 12.24, Trees and Flora) and inserts it into Chapter 12.08. It attempts to remove the ambiguity which has allowed the administration to use an alternative definition of right-of-way which excludes non-automobile transportation, by clarifying that all land which is open to the public for transportation use meets the definition of right-of-way.

Changes since August meeting: Provided 3 amendments with alternate and more refined definitions. Removed boilerplate text defining "definitions," as it is not present in most other chapters of BMC.

It is my hope that the Traffic Commission will endorse this ordinance, which could then go before the City Council for consideration and possible adoption.

For background about the B-line ROW question, see:

<http://galexander.org/traffic/blinerow.html>

ORDINANCE

TO AMEND TITLE 12 OF BLOOMINGTON CODE, ENTITLED “STREETS, SIDEWALKS, AND STORM SEWERS” TO DEFINE “RIGHT-OF-WAY”

WHEREAS, Many engineering decisions affecting pedestrian and bicycle transportation infrastructure, including the decision of how to design closures and detours, are currently being made by Parks staff without engineering qualifications or oversight.

WHEREAS, The city’s Engineering Department has existing legal mechanisms in place to make some of these decisions properly, but aren’t using them because the administration has determined that the B-line, though transportation infrastructure, is not “right-of-way.”

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Chapter 12.08 of the Bloomington Municipal Code, entitled “Use of the Right-of-way” is hereby amended to insert a new section 12.08.001 - Definitions, which shall read as follows:

“Right-of-way” means a strip of land reserved for, occupied, or intended to be occupied by transportation facilities, public utilities or other special public uses. Right-of-way may be held in the form of easement or fee.

SYNOPSIS

This ordinance amends Chapter 12.08 of the Bloomington Municipal Code entitled “Use of the Right-of-way” in order to provide a definition of “right-of-way.” The definition provided is the same definition that already exists in Chapter 12.24 of the Bloomington Municipal Code entitled “Trees and Flora.”

AMENDMENT 1

Amendment sponsor: Alexander

Use a simpler definition that doesn't refer to utilities or future transportation uses.

Replace the content of new section 12.08.001 - Definitions with:

“Right-of-way” means a strip of land occupied by transportation facilities for public use.

AMENDMENT 2

Amendment sponsor: Alexander

Explicitly include any trails built with transportation funds (this includes Jackson Creek Trail, Cascades Trail, and the B-line).

Replace the content of new section 12.08.001 - Definitions with:

“Right-of-way” means a strip of land occupied by transportation facilities for public use, including any trails constructed using transportation funds from the Metropolitan Planning Organization.

AMENDMENT 3

Amendment sponsor: Alexander

Explicitly include just the B-line.

Replace the content of new section 12.08.001 - Definitions with:

“Right-of-way” means a strip of land occupied by transportation facilities for public use, including the B-line.



**TRAFFIC COMMISSION
STAFF MEMO**

Case #: TC-22-11
Date: September 2022

FROM: Ryan Robling, Planning Services Manager, Planning and Transportation Department

REGARDING: TC-22-11

Proposal:

Commissioner Alexander has authored a proposal to amend Title 12 of the Bloomington Municipal Code, Entitled "Streets, Sidewalks, and Storm Sewers" to define "right-of-way." The proposed amendment would add a definition Chapter 12.08 and would define "right-of-way." The proposed definition of "right-of-way" is borrowed from 12.24 and states:
Right-of-way means a strip of land reserved for, occupied, or intended to be occupied by transportation facilities, public utilities or other special public uses. Right-of-way may be held in the form of easement or fee.

Additional details can be found in the attached packet.

Staff Response:

Planning and Transportation staff understands the proposal but does not believe the proposed amendment is the most efficient or suitable method for achieving the stated goals. After discussing the proposal with other City Departments; staff believes that the proposal could have unintended consequences on the use and maintenance of other spaces that are not and should not be considered right-of-way. The proposed definition is brought from a section which regulates the trees and flora on public property and rights-of-way and as such broadens the definition of public property to include public utilities and other special public uses.

Chapter 12.08 was not designed to address the maintenance of the B-Line Trail or other areas controlled and maintained by the Park and Recreation Department. As the Planning and Transportation Department does not maintain rights-of-way or City parks, staff agrees with the recommendation of those Departments that do.

The Department of Parks and Recreation is working on a formalization of policy regarding how temporary closures of trails, including the B-Line, are managed. This policy will be reviewed and approved by the Board of Park Commissioners, and will detail the roles of various City departments in the review and establishment of closures & associated detours, when necessary.

Recommendation:

The Planning and Transportation Department finds that the proposed amendment is outside of the powers and the original intent of Chapter 12.08; and therefore the proposal should not be forwarded.



**TRAFFIC/BPSC COMMISSION
STAFF REPORT**

Case #: TC-22-08
Date: September 2022

FROM: Neil Kopper, Senior Project Engineer, Engineering Department

REQUEST: Restrict parking on both sides of W Duncan Drive

Location: W Duncan Drive, Bloomington IN

Description and purpose:

A uReport submitted to the City states: "This street desperately needs a "no parking on side of street" sign. People visiting are parking on the side of the street, on top of sidewalks, and partially in the road. The drive is very narrow. Please put up a no parking sign so we can enter/exit our driveways"

Duncan Drive is currently a dead end street of approximately 1000 feet in length. The Habitat for Humanity Osage Place development currently under construction will connect Duncan Drive to become a through street. The width of the existing street is 12 to 13 feet. The existing street has signs that restrict parking at certain times of the day, but those existing signs are not codified. It is not possible to park a motor vehicle on the roadway without violating the following code:

BMC 15.32.140 - Obstructing traffic.

"No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to have available less than twelve feet of the width of the roadway for free movement of vehicular traffic."

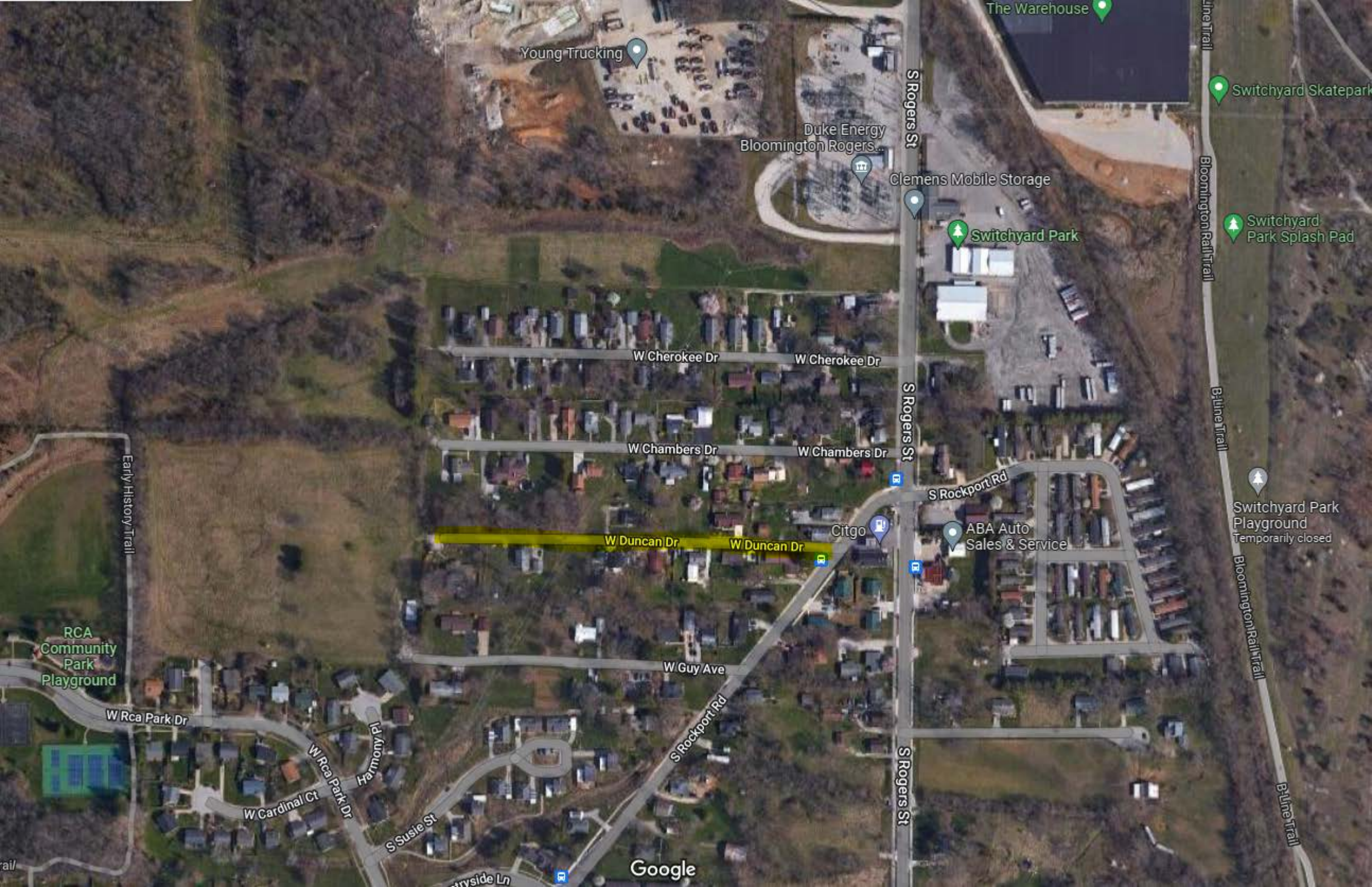
Parallel streets in this area include Guy Avenue, Chambers Drive, and Cherokee Drive. The width of those streets varies between 18 feet and 20 feet wide. It is possible that there will need to be additional future parking restrictions on those streets. However, because it is physically possible to park on those streets without violating city code, staff is at this time focused only on Duncan Drive.

Title 15 Changes:

If approved, no parking restrictions would be added to BMC 15.32.080 Schedule M "No Parking Zones."

Recommendation:

Staff recommends that the Commission forward the Title 15 changes to add this no parking zone to Council with a positive recommendation.



Young Trucking

Duke Energy
Bloomington Rogers...

Clemens Mobile Storage

Switchyard Park

Switchyard Skatepark

Switchyard
Park Splash Pad

W Cherokee Dr

W Cherokee Dr

W Chambers Dr

W Chambers Dr

W Duncan Dr

W Duncan Dr

Citgo

ABA Auto
Sales & Service

S Rockport Rd

Switchyard Park
Playground
Temporarily closed

W Guy Ave

S Rockport Rd

S Rogers St

RCA
Community Park
Playground

W Rca Park Dr

W Cardinal Ct

W Rca Park Dr

Harmony Pl

S Susie St

Google

tryside Ln

The Warehouse

Bloomington Rail Trail

B-Line Trail

Bloomington Rail Trail

B-Line Trail

Early History Trail