

**BLOOMINGTON TRAFFIC COMMISSION  
AGENDA**

**October 26, 2022**

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

Online link: <https://bloomington.zoom.us/j/87845043097>

Meeting ID: 878 4504 3097

Passcode: 128286

Dial in: +1 312 626 6799 US (Chicago)

- I. Call to Order**
- II. Approval of Minutes – September 28, 2022**
- III. Communications from Commission**
- IV. Public Comment\***
- V. Reports from Staff**
- VI. Old Business\***
  - A. TC-22-11: Resolution to amend Title 12 to define “right-of-way” –  
*Greg Alexander, Commission Member***
- VII. New Business\***
- VIII. Traffic Inquiries:**
- IX. Adjournment:**

*Next meeting – November 16, 2022 – Kelley Conference Room (RM#155)*

*\*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](mailto:human.rights@bloomington.in.gov).***

**BLOOMINGTON TRAFFIC COMMISSION  
MINUTES**

**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 4:36pm**  
Members present in-person: Greg Alexander, Sarah Ryterband, Ryne Shadday, Andrew Cibor, Daniela Moloci, and David Hoff  
Staff: Beth Rosenbarger, Ryan Robling, Neil Kopper, Tim Street, Mike Rouker, Barbara McKinney
- II. Approval of Minutes – August 24, 2022**  
Motion to approve the minutes: Ryterband Second: Hoff  
Yea: Alexander, Ryterband, Shadday, Cibor, Moloci, and Hoff. Minutes approved: 6-0
- III. Communications from Commission**  
Hoff: Question about the intersection of Maxwell and Sheridan. Update was given by Commissioner Cibor.  
Cibor: Brought attention to two recent deaths that have occurred on scooters in the city.
- IV. Public Comment\***  
Stephanie Hatton: Met with residents, a council member, and staff members at the intersection of Maxwell/Sheridan. Looking to move the proposal forward with 3 council members who will support the
- V. Reports from Staff**  
**A. ADA Transition Plan, Michael Shermis, Special Projects Coordinator**  
Continued until October meeting.  
**B. Neighborhood Greenway Presentation, Beth Rosenbarger, Assistant Director**  
Beth Rosenbarger presented about Neighborhood Greenway process and discussed completed projects.
- VI. Old Business\***  
**A. TC-22-11: Resolution to amend Title 12 to define “right-of-way” – Greg Alexander, Commission Member**  
Staff from Planning & Transportation and Parks and Recreation provided a response and report. Tim Street offered that Parks and Recreation will be bringing a new process for closures to the Board of Park Commissioners. Discussion ensued about the proposed process and policy.  
Motion to continue the Resolution to the next meeting, and ask to have staff provide a draft policy: Ryterband Second: Hoff

Yea: Alexander, Ryterband, Shadday, Cibor, Moloci, Hoff. Motion approved:  
6-0

**VII. New Business\***

**A. TC-22-08: Restrict parking on both sides of W Duncan Drive – Neil Kopper, Senior Project Engineer**

Neil Kopper presented for staff. A uReport was filed about parking on W. Duncan Drive asking to restrict parking on the street. Discussion ensued about the street and adjacent developments.

Motion to make a positive recommendation to the City Council: Ryterband  
Second: Hoff

Yea: Alexander, Ryterband, Shadday, Cibor, Moloci, Hoff. Motion forwarded with a positive recommendation: 6-0

**VIII. Traffic Inquiries:**

Alexander: What is the process for receiving Notices of Violation for overgrowth?

Cibor: Engineering Department is able to issue Notices of Violation and will be able to do better at responding in the future. Further discussion ensued.

**IX. Adjournment: 5:58 pm**

*Next meeting – October 26, 2022*

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

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## **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.



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**TRAFFIC COMMISSION  
STAFF MEMO**

**Case #:** TC-22-11  
**Date:** October 2022

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

**REGARDING:** TC-22-11

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**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.

**Update from September Meeting:**

The Department of Parks and Recreation has provided a draft version of the Multi-Use Trail Design & Operations policy. The proposed policy specifies how temporary and emergency closures will be reviewed and approved. The Board of Park Commissioners will consider the policy at their November 15<sup>th</sup> meeting.

The proposed policy can be found in the attached packet.

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**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 that the proposed Multi-Use Trail Design & Operations Policy will meet the intent of the TC-22-11; and therefore the proposal should not be forwarded.

## Parks & Facilities

### Multi-Use Trail Design & Operations - 13210

Date: XXXXXXX, 2022

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#### **POLICY RE:** Multi-Use Trail Design & Operations

The Parks and Recreation Department operates dozens of miles of trails throughout the City of Bloomington, ranging from small hiking trails to the B-Line trail. Multi-Use Trails are generally hard-surface paths that do not follow roads that are designed and maintained to provide both transportation and recreation opportunities for users. These trails have varying degrees of transportation importance.

**Class I Trails:** serve an important transportation function and have few or no similar alternative routes.

- B-Line Trail
- Jackson Creek Trail
- Power Line Trail (when complete)

**Class II Trails:** serve a transportation function, but are not critical connectors and have similar alternative routes.

- B-Line Broadview Access Trail
- B-Link Trail
- Bryan Park (E-W Allen Greenway connector and N-S trail that functions as sidewalk).
- Clear Creek Trail
- Polly Grimshaw Trail\*
- Cascades Trail & Path System
- Rail Trail
- Southeast Trail

**Class III Trails:** function mostly as recreation facilities and have less importance as transportation facilities.

- Loop trails (RCA, Butler Park, Olcott Park, Winslow Sports, remainder of Bryan Park loop trail)
- The Mill Trail
- Creek's Edge Trail
- All soft-surface and hiking trails
- Small connector trails in Parks

#### **Professional Engineering**

Parks shall work with professional engineers when designing trails by hiring an outside engineering firm or by consulting on decisions with the City Engineer or their designee. The City Engineer or their designee shall be consulted on operational questions for trails that pertain to transportation design, including but not limited to: road crossings, temporary closures, pavement markings, and traffic signage.

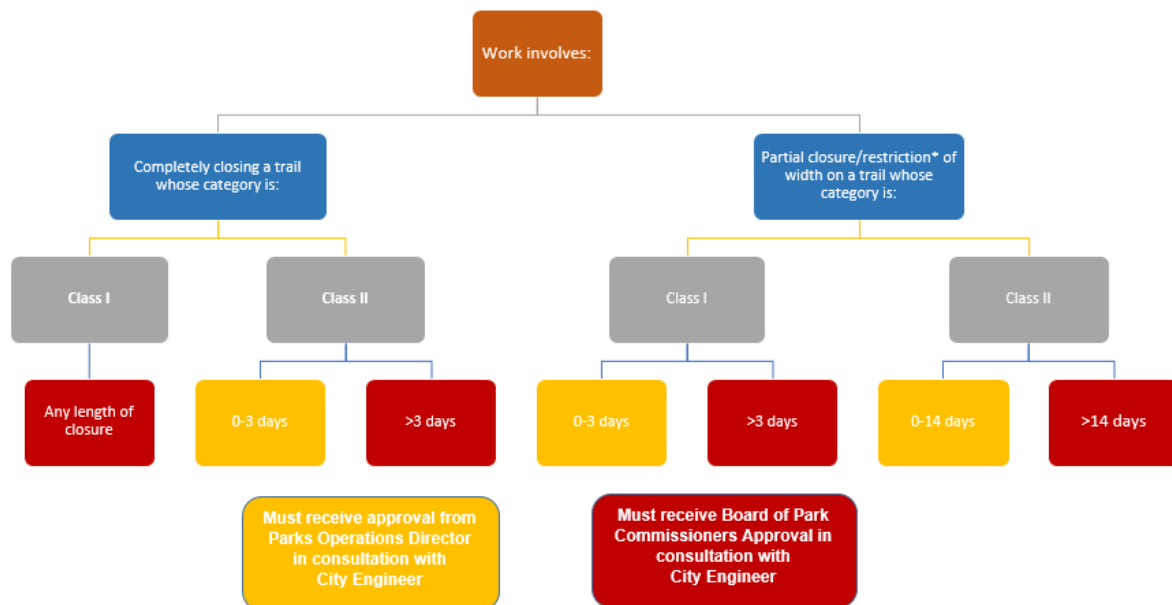
## Temporary Closures

Trail closures shall be approved according to the chart below, unless an emergency dictates an immediate closure. Third parties wishing to close a portion or all of a trail will work with Parks and Recreation staff members to get approval for closures in accordance with this policy. When full trail closures occur on Class I trails, users should be provided with a convenient and accessible path that replicates as nearly as practicable the most desirable characteristics of the existing facility (Indiana Manual on Uniform Traffic Control Devices [“MUTCD”] §6D.01.07.C). Many trails lack similar alternative routes, but temporary traffic control plans will be determined and designed in consultation with the City Engineer or their designee. Temporary closures shall be marked with MUTCD-compliant signage in accordance with Bloomington Municipal Code §12.08.100.

## Emergency Closures

An emergency closure of a Class I trail shall be done so as to provide users with a convenient and accessible path that replicates as nearly as practicable the most desirable characteristics of the existing facility and may be executed without first obtaining the approvals designated in the chart below. An emergency is defined as a sudden and unexpected circumstance that, if left uncorrected, will cause serious damage to property or jeopardize the safety and health of persons. Parks and Recreation staff shall be immediately notified of any emergency trail closure (in no circumstance shall Parks and Recreation staff be notified of an emergency later than one business day after the closure). Parks and Recreation staff shall then follow the steps outlined in this policy and, if such action is warranted per the chart below, place the closure on the next scheduled Board of Park Commissioners’ agenda for consideration.

City of Bloomington Parks and Recreation Department – Trail Closure Policy Chart



\* In accordance with ADA guidelines, at least a 5-ft wide section of trail must remain open during partial closures.