

# City of Bloomington Common Council

# **Legislative Packet**

Containing legislation and materials related to:

Wednesday, 15 May 2024

Regular Session at 6:30pm



AGENDA AND NOTICE: REGULAR SESSION WEDNESDAY | 6:30 PM 15 May 2024

Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:

https://bloomington.zoom.us/j/85892396995?pwd=alwHO1gCDeE7jf0etbfww5DdRzqJrc.1

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES:
  - A. October 4, 2023 Regular Session
- IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)
  - A. Councilmembers
  - **B.** The Mayor and City Offices

    a. Human Rights Commission Annual Award Presentation
  - C. Council Committees
  - **D.** Public\*
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS
  - A. Ordinance 2024-11 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Section 15.12.010 (Stop Intersections) to Remove Stop Intersections on Seventh Street from Schedule A and Add Multi-Stop Intersections on Seventh Street to Schedule B

(over)

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 10 May 2024

<sup>\*</sup>Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

- B. Ordinance 2024-12 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Section 15.12.010 to remove one stop intersection on Constitution Avenue and Liberty Drive; Section 15.12.030 to add one signalized intersection on Constitution Way and Liberty Drive; Section 15.32.030 to replace pull in angle parking with back in angle parking on Sixth Street between Walnut Street and 35' west of Washington Street; and Section 15.32.080 to remove no parking zones on the north side of Atwater Avenue between Park Avenue and Faculty Avenue, and to codify and extend the no parking zone on the south side of Grimes Lane from Morton Street to 100' east of Palmer Avenue
- C. Ordinance 2024-07 To Amend the City of Bloomington Zoning Maps by Rezoning a 138.51 Acre Property from Planned Unit Development (PUD) and Residential Medium Lot (R2) to Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan Re: S. Weimer Road (Sudbury Partners LLC, Petitioner)
- **D.** Resolution 2024-12 Resolution on Budgeting Excellence and Strategic Transformation

#### VII. LEGISLATION FOR FIRST READINGS

**A.** Ordinance 2024-13 – To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: Amending BMC 2.04.380 (Order of Business at Regular Sessions)

#### **VIII. ADDITIONAL PUBLIC COMMENT \***

(A maximum of twenty-five minutes is set aside for this section.)

- IX. COUNCIL SCHEDULE
- X. ADJOURNMENT

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# City of Bloomington Office of the City Clerk

# Minutes for Approval

04 October 2023

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 04, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL REGULAR SESSION October 04, 2023

Councilmembers present: Sue Sgambelluri, Isabel Piedmont-Smith, Kate Rosenbarger, Ron Smith, Jim Sims, Dave Rollo, Susan Sandberg, Stephen Volan

ROLL CALL [6:31pm]

Councilmembers present via Zoom: Matt Flaherty

Councilmembers absent: none

Council Vice President Isabel Piedmont-Smith gave a land acknowledgment and Council President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:35pm]

Piedmont-Smith reported on the Justice Fiscal Advisory Committee. She noted county council, voting members Jennifer Crossley, Peter Iversen, and Kate Wiltz. Representing the city were Mayor John Hamilton, Beverly Calendar-Anderson, Director of Community and Family Resources department, and Piedmont-Smith. There were other non-voting members as well. There were seven meetings from June 30-September 18 on topics like reducing recidivism, and a final report with thirty four recommendations. She highlighted some of the recommendations including gathering data, prevention and reentry, and the location of a community justice system.

REPORTS [6:35pm]

**Council Members** 

Volan noted the Bloomington Public Transportation Corporation's (BPTC) willingness to offer service outside of the city. He mentioned his upcoming talk titled, "Doppelganger Cities: A History of Campuses, How They Came to Compete with Municipalities, How They Hold Students Back from Adulthood, and How American Universities Must Rethink Their Physical Plans." The event was sponsored by Indiana University's Political and Civic Engagement program and the Collins Board of Educational Programming.

John Zody, Director of Housing and Neighborhood Development (HAND) department, introduced Mary Morgan, Director of Heading Home of South Central Indiana.

The Mayor and City Offices [6:45pm]

Mary Morgan discussed Heading Home and its members. She highlighted the Built for Zero initiative to reduce homelessness with an initial focus on housing for veterans, outreach to landlords, including a Landlord Appreciation Breakfast to celebrate landlords and property managers who were working to strengthen housing security, and the Landlord Risk Mitigation Fund. She spoke about learning sessions, forums, training for case managers, shelter meetings, and communications.

Piedmont-Smith moved and it was seconded by Rollo to extend the report for an additional five minutes. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to extend time limit [7:05pm]

Piedmont-Smith asked if one hundred and ninety three unhoused people in the seven county area had moved into permanent housing.

Morgan confirmed that was correct and the majority were in Monroe County. She provided some details.

Council discussion:

Sgambelluri asked what operating budget was.

Morgan said the city provided \$1.2 million and \$1.5 was appropriated but Heading Home had not yet received it. Another \$1.2 million was funded by the county and would offset costs so that the Community Foundation could do an endowment for operations. There was additional discussion. Smith asked how substance abuse was addressed.

Morgan stated foundationally, Heading Home focused on work and housing, and not on substance abuse disorder. Heading Home had asked to partner with the County Substance Use Disorder commission for their assistance. There were future plans like a Recovery Café in the city.

The Mayor and City Offices (cont'd)

There were no reports from council committees.

Council Committees [7:11pm]

There was no public comment.

Public [7:11pm]

There were no appointments to boards and commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:11pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:11pm]

Rollo moved and it was seconded that <u>Resolution 23-17</u> be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Deputy Clerk Jennifer Crossley read the legislation by title and synopsis.

Resolution 23-17 – To Initiate Amendments to the City's Comprehensive Plan Re: Leading Pedestrian Intervals and Pedestrian Recall Phases

Rollo moved it was seconded by Piedmont-Smith to adopt <u>Resolution 23-17</u>.

[7:11pm]

Flaherty said the resolution was intended to be high-level, policy guidance to increase safety on streets. He noted the plan's background and staff that were involved. Resolution 23-17 called for an amendment to the Transportation Plan (TP) enabling the city to be eligible for the Safe Streets For All federal grant, and coincided with safety updates to the TP. The Engineering department had an upcoming study on adjusting the timing and phasing of all traffic signals, and including leading pedestrian intervals at intersections. He spoke about the process and next steps.

Andrew Cibor, City Engineer, said staff was in support of Resolution 23-17.

Piedmont-Smith asked Flaherty to explain the pedestrian recall phases. Flaherty said that intersections would automatically have a pedestrian signal as opposed to requiring that a pedestrian push a button for the signal. Having it automatic increased predictability and safety.

Council questions:

Rollo asked if there were automatic pedestrian actuated signals as the former Public Works Director had stated.

Cibor stated that mainly downtown intersections had automatic signals. Areas with less pedestrian activity were not automatic.

Volan asked when discussions with city staff were initiated.

Flaherty said a couple years ago but it was thought best to incorporate the proposed changes with the systemic updates to the TP. He gave additional details.

Volan asked to what extent the TP update coincided with 2024 funding for traffic signal modernization and on a separate pot of money in the budget that would trigger federal funding.

Cibor said the timing was close and both would happen independently. He clarified there were multiple, simultaneous projects. He briefly explained the projects and their funding sources.

Sims asked how many years it would take to complete the projects.

Cibor noted that there was minimal impact on the budget because it was already planned and funded.

Sims asked how many signals could be modernized in the next year.

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Cibor explained the Engineering and Planning departments' plans but did not have the specific dollar amount or number of signals.

Resolution 23-17 (cont'd)

Flaherty said the legislation was a policy-informed decision plan on how to program each intersection; the study would inform the programming. It was timing and programming the signals, citywide.

Council questions:

There was additional discussion on plans to avoid duplication of effort and how the proposed guidance would be implemented.

Stephen Lucas, Council Attorney, explained the timeline for related Plan Commission amendments, per state code.

Volan asked what intersections would be improved.

Cibor stated that he did not know; the design phase would commence the following year.

Pauly Tarricone supported Resolution 23-17.

**Public comment:** 

Olivia Young spoke in favor of Resolution 23-17.

Rosenbarger supported <u>Resolution 23-17</u>. She gave a brief history on council's discussion on the proposal.

**Council comments:** 

Piedmont-Smith supported <u>Resolution 23-17</u> and thanked Flaherty for his work. She noted the need for pedestrian-led signals on South Rogers. She looked forward to the implementation of the signals around the city.

Volan appreciated the prioritization of pedestrians and supported the legislation. He commented on project funding and the intersections in the former Community Revitalization Enhancement District (CRED) which should be prioritized, as the funding was generated there.

Sgambelluri was pleased to support the legislation and appreciated the efforts in drafting <u>Resolution 23-17</u>.

The motion to adopt <u>Resolution 23-17</u> received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt <u>Resolution</u> 23-17 [7:46pm]

Ordinance 23-23 – To

Rollo moved and it was seconded that <u>Ordinance 23-23</u> be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Crossley read the legislation by title and synopsis.

Rollo moved and it was seconded by Piedmont-Smith that  $\underline{\text{Ordinance }23\text{-}23}$  be adopted.

Cibor presented Ordinance 23-23 and said that adding a multi-stop intersection at 7th Street and Dunn was a result of data involving crashes. He discussed how the data was collected and details on trends. He provided a background of the Seventh Street Corridor and the 7-Line project. He explained some of the findings of traffic patterns for automobiles, pedestrians, and bicycles, and their speeds and crashes. He noted that the 7-Line improved east-west multimodal accessibility and mobility.

Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Amending Section 15.12.010 (Stop Intersections) to remove a stop intersection from Schedule A and add a

multi-stop intersection to Schedule B [7:47pm]

Flaherty asked if it was accurate that the crash reports, per quarter, were the same after construction of the 7-Line as before.

Cibor confirmed that was correct. The intersection at  $7^{th}$  Street and Dunn had increased crashes but the corridor had decreased crashes.

Council questions:

Rollo moved and it was seconded by Sandberg to adopt Amendment 01 to <u>Ordinance 23-23</u>. Rollo presented Amendment 01.

Amendment 01 to Ordinance 23-23

Amendment 01 Synopsis: This amendment, sponsored by Cm. Rollo, converts three additional intersections along Seventh Street at Lincoln

Street, Morton Street, and Washington Street to all-way stop intersections within Bloomington Municipal Code Section 15.12.010.

Amendment 01 to Ordinance 23-23 (cont'd)

Sandberg asked for staff's feedback on Amendment 01.

Cibor explained the data related to crashes, including as a result of stop sign removal, and what was expected if they were added back.

Sandberg asked about the slowing of traffic speeds on the corridor.

Cibor stated that stop signs were not an efficient tool to slow traffic. Though, stop signs at all intersections in the corridor would slow traffic.

Council questions:

Volan asked how many constituents had contacted Rollo on Amendment 01. Rollo said it was less than ten.

Volan said that he, as the District VI representative, had not received any complaints regarding the corridor. He noted the distinction between the 7-Line and the Hawthorne greenway. He asked how many accidents were caused by cars versus bicycles and scooters and also pedestrians.

Cibor said that the majority were caused by drivers on the minor street that failed to yield to traffic on  $7^{th}$  Street.

Volan noted tools the city could use to reduce accidents and asked if warning lights could be used in the corridor, as opposed to stop signs.

Cibor stated that those types of tools were used in a transitional period, when traffic patterns changed. He noted that the 7-Line was not the cause for a continued trend of the number and types of crashes.

There was additional discussion on drivers' poor decision-making, and other causes for cars not yielding appropriately, as well as other tools available to the city.

Piedmont-Smith said the Bicycle and Pedestrian Safety Commission (BPSC) and the Traffic Commission (TC) opposed the installation of stop signs at the intersections of 7<sup>th</sup> Street and Washington, Lincoln, Grant, Morton, and Dunn. The commissions compromised on the reinstallation of a stop sign on Dunn. She asked staff's opinion on reinstalling only at 7<sup>th</sup> and Dunn.

Cibor said it was complicated. Staff was addressing the most problematic intersection, 7<sup>th</sup> and Dunn, but more could be done in the future, if needed.

Piedmont-Smith asked if staff had received complaints from residents about difficulty crossing 7<sup>th</sup> Street, like Rollo had referenced.

Cibor stated that there had been complaints during the construction of the 7-Line. There were more concerns on  $7^{th}$  and Morton. The Council for Community Accessibility (CCA) had also requested easier crossing for people with disabilities.

Sims asked if there was data on pedestrian comfort level, or "near-misses," on  $7^{\rm th}$  Street.

Cibor stated it would be difficult to qualitatively obtain that data.

Sims believed that Amendment 01 added safety for pedestrians. He asked if staff agreed.

Cibor said that the word safety was subjective. Adding stop signs would make the corridor feel safer for some pedestrians.

Volan commented on other intersections in the city where there was safe crossing for pedestrians and bicycles with an island in the middle. He asked why more stop signs were not placed in other areas of the city.

Cibor said that there were intersections where all-way stops were not warranted. The Manual on Uniform Traffic Control Devices (MUTCD) was the state-required guide for streets and gave examples of metrics.

Volan said adding stop signs everywhere made it safer for pedestrians. He asked what other options or tools the city could use.

Cibor said that ultimately, most tools would not change drivers' poor decision making.

There was discussion on the tools, expectations pertaining to crashes, and the data gathered in the last two quarters of the year.

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Smith asked if adding stop signs would make the corridor generally safer. Cibor provided details on the crash data, and projected crashes that could be mitigated by having all-way stops.

Amendment 01 to Ordinance 23-23 (cont'd)

Council questions:

Rosenbarger acknowledged that stop signs did not slow traffic speeds, and also that drivers felt comfortable driving in the ten foot lanes. She asked if it was ideal to make the lanes narrower and other ways to slow speeds.

Cibor did not recommend making the lanes narrower, especially because Bloomington Transit buses frequented 7<sup>th</sup> Street and barely fit.

Rosenbarger asked if bicycles in Indiana had to stop at stop signs.

Cibor said that was correct.

Rosenbarger asked who had the right of way when there were multiple cars and bicycles at an intersection.

Cibor stated that hopefully there would be eye contact and drivers and bicyclists could safely take turns. Fortunately, in that scenario, everyone would be stopped at the stop sign.

Sandberg understood the struggle with defining safety, and asked if it was more ideal to use the term predictability, especially with an all-way stop.

Cibor reiterated that with an all-way stop, there was an expectation that everyone would stop.

Piedmont-Smith moved and it was seconded by Rosenbarger to adopt Amendment A to Amendment 01. She proposed removing the reinstallation of a four-way stop at 7<sup>th</sup> and Morton. There was a stop sign a half block away at the B-Line. The data showed that only the intersections on 7<sup>th</sup> at Washington, Lincoln, and Dunn met the MUTCD guidelines.

Amendment A to Amendment 01 to Ordinance 23-23

Volan asked why a pedestrian crosswalk with lights could not be placed in those intersections.

Cibor noted limitations such as sufficient space and more.

Brianna Wright spoke in favor of Amendment 01 and provided reasons on behalf of the Indiana University Student Government.

Public comment:

Council questions:

Pauly Tarricone said that the original proposal, without the amendments, was ideal.

Volan asked about how decisions were made for things like adding stop signs.

Cibor stated that the MUTCD had guidelines and gave examples.

Rollo did not support Amendment A to Amendment 01. He said a stop sign was needed on Morton because the police station would be in Showers, the Farmer's Market, and the amount of pedestrian traffic there.

Sandberg agreed with Rollo and referenced her discussions with residents regarding the need for a stop sign at Morton.

Smith would not support Amendment A to Amendment 01.

Volan said those opposing Amendment A did not consider bicyclists and prioritized cars first. He discussed intersection safety. He would support Amendment A but did not support Amendment 01.

Piedmont-Smith said Amendment A was a compromise. She noted that the 7-Line's purpose was to prioritize bicycles and pedestrians, and not cars. The 7-Line had won awards for its design. She would vote for Amendment A and did not favor Amendment 01.

Council comments:

Sandberg said the intent was to increase safety for all users of 7<sup>th</sup> Street. She noted discussions with residents who were unhappy with the 7-Line.

Amendment A to Amendment 01(cont'd)

Rollo discussed his experience bicycling to council meetings and around town. He believed the older population and people with disabilities were disadvantaged by the lack of stop signs.

Council comments:

Volan said that many of the council comments referred to anecdotes and not data. The 7-Line was nationally recognized. He commented on other options such as bollards to prevent crossing  $7^{th}$  Street at all.

The motion to adopt Amendment A to Amendment 01 to <u>Ordinance 23-23</u> received a roll call vote of Ayes: 4, Nays: 5 (Sims, Sgambelluri, Rollo, Sandberg, Smith), Abstain: 0. FAILED.

Vote to adopt Amendment A to Amendment 01 [8:54pm]

 $Rosenbarger\ asked\ if\ staff\ recommended\ Amendment\ 01.$ 

Cibor stated that staff supported the legislation as drafted.

Rosenbarger interpreted that staff supported <u>Ordinance 23-23</u> without Amendment 01.

Council questions:

Flaherty said there was not a full year's data on the 7-Line, and asked if it was correct that crash levels were back to pre-corridor levels, with lower pedestrian and bicycle crashes than before.

Cibor confirmed that was correct.

Flaherty asked for clarification on the difference with other intersections, like  $6^{th}$  Street and Washington, where only  $6^{th}$  Street had to stop, and Dunn Street between  $7^{th}$  and  $10^{th}$  streets which had no stop signs.

Cibor responded that there were many factors like safety, mobility, and efficient flow of traffic.

Pauly Tarricone supported <u>Ordinance 23-23</u> without Amendment 01. He said that the BPSC and TC had unanimously voted against the reinstallation of stop signs along 7<sup>th</sup> Street. He gave examples and details.

Public comment:

Hopi Stosberg noted the BPSC's robust discussion on bicyclists' concerns with reinstalling stop signs, and provided some details. She urged council consider not voting for Amendment 01.

Ben Fulton asked council to vote against Amendment 01.

Volan commented on councilmembers' and community members' stances on the reinstallation of stop signs. Those in favor of adding the stop signs were out of step with Bloomington, and pedestrians and bicyclists who benefitted by the 7-Line. He disagreed that adding the stop signs provided more safety to the intersections. Cars were being prioritized. He spoke about accidents caused by pedestrians or bicycles versus cars and the purpose of the 7-Line.

Council comments:

Flaherty said pedestrian crashes decreased after the 7-Line was installed. Car crashes returned to prior 7-Line levels. Staff supported gathering more data and allowing for more time before making significant changes. He noted the importance of the BPSC and TC voting unanimously against reinstalling stop signs and acknowledged the commissions were advisory. He noted the temporary order for a stop sign at 7<sup>th</sup> Street and Dunn, which was then drafted into <u>Ordinance 23-23</u>. He would not support Amendment 01 but would support the legislation.

Sandberg appreciated Flaherty's reminder of commissions being advisory. She spoke about her role as an at-large councilmember and stated that she did not rely only on anecdotes. She reached out to community members, and many supported Amendment 01. She agreed that data was also

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important. She spoke about community members who did not attend council meetings out of fear of being diminished or ridiculed.

Amendment 01 to Ordinance 23-23 (cont'd)

Rollo sponsored Amendment 01 for pedestrian safety. Transportation infrastructure needed to serve everyone and he believed that pedestrians had been the least prioritized. Older individuals and people with disabilities had the right to safely cross a street. He commented on where to place stop signs along 7<sup>th</sup> Street, crashes, car speeds, and for adding the stop signs to have more order in those intersections.

Council comments:

Rosenbarger said data indicated that unnecessary stop signs led to fewer drivers stopping, and failing to obey traffic rules. She feared a situation where a pedestrian or bicyclist assumed a car would stop at a stop sign and then did not, resulting in injury or death. There was not enough data to make major alterations to the 7-Line. She noted there were fewer crashes, and greater usage of the corridor. She represented the district containing Rogers and Madison Streets and many residents wanted more stop signs on those streets. She said when stop signs were placed in areas that did not warrant them, other intersections with needs for stop signs were excluded. City resources were limited. She said a councilmember who was not recently reelected had stated that the city had done enough for bicycles and pedestrians, but voters had disagreed. It was best to table the legislation. Amendment 01 had been discussed for months but was only released six hours prior to the meeting, resulting in many residents not knowing about it. She was disappointed that the current council did not respect members of city commissions and boards. She supported gathering more data and waiting to implement significant changes.

Sims noted that he had not sought reelection and had not said that enough had been done for bikes and pedestrians. He had mainly heard about the need for a stop sign on Morton and thought it best to start there. But with further discussions, he understood the purpose of Amendment 01. Having a difference of opinion did not make a councilmember out of step with the community. He referenced the Special Committee on Council Processes (SCCP) that would be reviewing council processes. It was not right to discount constituents' feedback simply because they did not attend council meetings. He supported Ordinance 23-23.

Volan said it was hard to document everyone's opinion, especially when an amendment was introduced the same day it was to be considered. He commented on feedback from the community on things council was considering. He found Amendment 01 to be inconsistent, arbitrary, and selective to personal biases. He was alarmed that those favoring stop signs on the 7-Line did not also seek to add stop signs at other risky intersections, too. He spoke about the history of east-west corridors in the city, and changes to streets over time. He urged council to postpone the amendment.

Rollo noted his advocacy for improving safety at intersections in the city, and listed several. He believed that pedestrians had not been prioritized throughout the city and he respected the principle of a protected bike lane. Adding stop signs was not an impediment. He appreciated the discussion.

Sgambelluri said councilmembers disagreed with what was best, though they were all attempting to do the right thing. She listened to commissions, constituents, and had experience on 7<sup>th</sup> Street for her work, and on Morton for council duties. She did not believe that having bicycles stop at stop signs was a punishment. She thought that stop signs could help calm traffic and reduce confusion. She supported Amendment 01.

The motion to adopt Amendment 01 to <u>Ordinance 23-23</u> received a roll call vote of Ayes: 5, Nays: 4 (Piedmont-Smith, Volan, Rosenbarger, Flaherty) Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 23-23 [9:41pm]

There was no public comment.

Public comment:

Piedmont-Smith asked what happened if the legislation failed, specifically at 7<sup>th</sup> Street and Dunn.

Council comments:

Cibor stated that it was possible for him to extend the 180-day order with consultation from the Legal department.

Lucas said that city code did not preclude the 180-day order being reissued as well as other options.

Rosenbarger commented on other intersections that could also have stop signs added, based on the same rationale that supporters of Amendment 01 used. She highlighted  $8^{th}$  Street and Walnut, and  $3^{rd}$  Street and Grant Street, due to their width.

Volan noted other streets that also fell under similar rationale like 9<sup>th</sup> Street and Walnut. He was disappointed and believed that some of his colleagues did not understand the message the community was giving them.

The motion to adopt <u>Ordinance 23-23</u> as amended received a roll call vote of Ayes: 5, Nays: 4 (Flaherty, Piedmont-Smith, Volan, Rosenbarger), Abstain: 0.

Vote to adopt <u>Ordinance</u> <u>23-23</u> as amended [9:48pm]

Rollo moved and it was seconded by Piedmont-Smith that <u>Ordinance 23-22</u> be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Crossley read the legislation by title and synopsis.

Rollo moved and it was seconded by Piedmont-Smith that <u>Ordinance 23-22</u> be adopted.

Scott Robinson, Director of the Planning and Transportation department, presented the legislation including the approval of a preliminary plat from the Plan Commission. It was consistent with the Unified Development Ordinance (UDO) and allowed for a low-income housing tax credit. He gave additional details.

Ordinance 23-22 – To
Vacate Public Parcels –
Re: Two 12-Foot Wide
Alley Segments Located
Between West 1st Street,
West 2nd Street, South
Rogers Street, and South
Walker Street (City of
Bloomington
Redevelopment
Commission, Petitioner)
[9:49pm]

Cibor added that the right of way vacation reflected feedback from council and others on previous iterations, including an overlay district. He spoke about Phase 1 East and Hopewell West. He said the TP was a factor in considering proposals and highlighted the alleys to be vacated, creating nearly five acres of new public space. He reminded council that if the vacation was rejected, the city could not reapply for funding for two years. The preliminary plat was key for the Kohr redevelopment application.

Volan asked why the two alleys needed to be vacated in order to have the new dedicated right of way area.

Cibor stated it was a condition of the preliminary plat. The existing right of ways were in conflict with the proposal of including twenty foot alleys.

Volan said that council's concern in the past was that there would be a monolithic building built there. He asked for additional details.

Cibor stated that the goal was to have individually developed lots. The overlay and the UDO had limitations to a building's footprint.

Volan asked if conditions could be written into the deed such as not combining lots to build large buildings.

Cibor said that the Redevelopment Commission would own the property but Indiana University Health still owned the deeds at present time. Council questions:

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Ordinance 23-22 (cont'd)

Rollo asked if a monolithic building could be built in that area. He asked for additional details on the alleys.

Council questions:

Cibor reiterated that there were footprint limitations. He clarified that new alleys would be built, and would be larger. There would also be the new public space.

Robinson added that developers could buy multiple lots but the UDO limited the size of floor plates. It helped with the affordable and sustainable housing incentives.

Volan was not satisfied with the need to vacate two alleys in order to move forward with the proposal and the new public space.

Cibor clarified that any development would abide by the UDO and overlay restrictions. He gave details on alleys and the right of ways.

Volan asked why not move forward without vacating the two alleys. Cibor gave details and said that there was not a need for the two alleys and that alleys were not meant to be used for managing the size of a new building. The UDO and overlay had the restrictions.

There was no public comment.

Volan commented on council's concerns in the past pertaining to alley right of way vacations and provided reasons.

The motion to adopt <u>Ordinance 23-22</u> received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Lucas explained options that council could take that evening given that the ordinance originated with the Plan Commission but was given a negative recommendation. He noted that if council did not introduce the legislation, after ninety days, the ordinance would be considered defeated. It was staff's preference that council not consider the legislation.

Smith, councilmember on the Plan Commission, stated that there was concern of there being many empty commercial spaces in residential buildings. Upon request, staff surveyed property owners and found that it was not a concern. The percentage of empty spaces was 15%.

Rollo moved and it was seconded by Piedmont-Smith to introduce <u>Ordinance 23-27</u> by title and synopsis only. The motion received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. (FAILED)

Rollo moved and it was seconded by Piedmont-Smith to introduce <u>Ordinance 23-28</u> by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Crossley read the legislation by title and synopsis.

Sgambelluri referred the legislation to a Regular Session to be held on October 18, 2023.

**Public comment:** 

Council comments:

Vote to adopt <u>Ordinance</u> <u>23-22</u> [10:08pm]

LEGISLATION FOR FIRST READING [10:13pm]

Ordinance 23-27 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments Set Forth in BMC 20.03 [10:08pm]

Vote to introduce [10:13pm]

Ordinance 23-28 -To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: **Amending Section** 15.08.040 to update how temporary, experimental, or emergency traffic regulations may be made and enforced; Section 15.12.010 to add three stop intersections; Section 15.16.010 to amend the included intersections of one-way travel on Henderson Street; Section 15.24.020 to modify the posted speed limit on

Seventeenth Street; Section 15.32.030 to add back in angle parking on Pete Ellis Drive; Section 15.32.080 to add no parking spaces on Eight Street, Swain Avenue, Wilson Street, Southern Drive and Third Street and to; Section 15.32.090 to remove limited parking zones on Allen Street, Eighth Street, Swain Avenue and Third Street and add limited parking zone on Third Street; Section 15.32.100 to add a loading zone on East Longview Avenue; and Section 15.32.110 to add a bus zone on Third Street [10:14pm]

There was no additional public comment.	ADDITIONAL PUBLIC COMMENT [10:16pm]
Lucas reviewed the upcoming council schedule.	COUNCIL SCHEDULE [10:16pm]
Sgambelluri adjourned the meeting without objection.	ADJOURNMENT [10:17pm]
APPROVED by the Common Council of the City of Bloomingto day of, 2024.	on, Monroe County, Indiana upon this
APPROVE:	ATTEST:
Isabel Piedmont-Smith, PRESIDENT Bloomington Common Council	Nicole Bolden, CLERK City of Bloomington

#### **MEMO FROM COUNCIL OFFICE:**

To: Members of the Common Council

From: Ash Kulak, Deputy Attorney / Deputy Administrator, Council Office

**Date:** May 10, 2024

**Re:** Ordinance 2024-11 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Section 15.12.010 (Stop Intersections) to remove stop intersections on Seventh Street from Schedule A and add multi-stop intersections on

Seventh Street to Schedule B

### **Synopsis**

This ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff. The ordinance makes the following change:

- Replaces stop intersections with multi-stop intersections along Seventh Street at Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street.

#### **Relevant Materials**

- Ordinance 2024-11
- Staff Memo from Andrew Cibor, City Engineer
- April 24, 2024 Traffic Commission Materials
  - Staff Report to Traffic Commission re: 7-Line Project Update and All-Way Stop Control Installation
  - September 15, 2023 Memo from Andrew Cibor, City Engineer on <u>Ordinance</u> 23-23
  - o Ordinance 23-23 Veto Message from Mayor John Hamilton
  - Resolution 2024-07 Establishing the Goal of Reducing Traffic Deaths and Serious Injuries on the City's Roadways to Zero in the City By the Year 2029
  - o 180-Day Order # 23-01 dated April 10, 2023
- [New material] Additional data provided by city staff

#### Update for May 15, 2024 Regular Session

Please note that the packet of materials has been updated to provide two additional documents that include responses to questions about traffic trends, crash data tables, and quarterly crash graphics.

#### **Summary**

<u>Ordinance 2024-11</u> proposes to amend Section 15.12.010 within Title 15 ("Vehicles and Traffic") of the Bloomington Municipal Code (BMC), accessible online at the following link: <a href="https://library.municode.com/in/bloomington/codes/code">https://library.municode.com/in/bloomington/codes/code</a> of ordinances?nodeId=TIT15 VETR CH15.12STYISIIN 15.12.010STIN.

#### Brief History of 180 Day Order and Ordinance 23-23

In March of 2023, the Engineering Department prepared a staff report about the Seventh Street corridor along the 7-Line. The report was reviewed and discussed by both the Bicycle & Pedestrian Safety Commission and the Traffic Commission. This report was prepared in the wake of a pattern of crashes, which led city staff to recommend reinstallation of all-way stop control along each of the five intersections along the 7-Line at 7th Street and Dunn, Grant, Lincoln, Washington, and Morton Streets. At their March 2023 meetings, both commissions voted to support the conversion of the Seventh Street and Dunn Street intersection from a one-way stop to an all-way stop, but neither commission voted to support the conversion of any other intersection along the 7-Line to an all-way stop. Consistent with the commission recommendations, a 180-day order was issued, pursuant to BMC 15.08.040, on April 10, 2023 for the intersection of 7th Street and Dunn Street, with an expiration date of October 9, 2023.

By September of 2023, after confirming that reinstallation of all-way stop control had successfully reduced crashes at 7th Street and Dunn Street, city staff sought to codify this change from one-way to all-way stop control at only this one intersection, which came forward as Ordinance 23-23.

At the Common Council's October 4, 2023 Regular Session, the Council adopted Amendment 01 to <u>Ordinance 23-23</u> to add three additional intersections along Seventh Street at Lincoln Street, Washington Street, and Morton Street to the list of intersections to be converted to all-way stop control. The Council passed <u>Ordinance 23-23</u> as amended by a vote of 5-4. Mayor John Hamilton subsequently vetoed <u>Ordinance 23-23</u>. At its October 18, 2023 Regular Session, the Council failed to achieve a two-thirds (2/3) vote required to override the veto. A new 180-day order for the intersection of 7th Street and Dunn Street was issued on April 10, 2024, in order to extend the expiration from the previous 180-day order. This 180-day order remains in effect with an expiration date of October 3, 2024.

#### **Council Consideration of Ordinance 2024-11**

This ordinance is now being brought forward by city staff to again codify the changes to the intersection of 7th Street and Dunn Street, as well as to codify additional all-way stop control at the remaining four intersections on the 7-Line.

The Traffic Commission met on April 24, 2024, and received the Engineering Department's report (included herein). In presenting to the Traffic Commissions, staff again recommended reinstallation of all-way stop controls at five intersections, including the intersection at 7th and Dunn. The staff report summarizes recent bicycle traffic data, transit metrics, pedestrian activity, motor vehicle traffic, parking impacts, and crash data. The report discusses the Indiana Manual on Uniform Traffic Control Devices (MUTCD) guidelines and criteria for all-way stop locations and explains how these guidelines apply to the five intersections along 7th Street.



At its meeting, the Traffic Commission voted to recommend support for instituting all-way stop control along the 7th Street corridor at Dunn Street and Morton Street, but not at Washington Street, Lincoln Street, and Grant Street. The proposed ordinance reflects staff's recommendations to institute all-way stop control along all five intersections on the 7-Line.

#### Contact

Andrew Cibor, Director of Engineering, 812-349-3913, andrew.cibor@bloomington.in.gov

## **ORDINANCE 2024-11**

### TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" - Re: Amending Section 15.12.010 (Stop Intersections) to remove stop intersections on Seventh Street from Schedule A and add multi-stop intersections on Seventh Street to Schedule B

WHEREAS, City staff recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled "Vehicles and Traffic" such that five intersections on Seventh Street (Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street) be converted back to all-way stop control; and

WHEREAS, the Traffic Commission voted to recommend that two intersections on Seventh Street (Morton Street and Dunn Street) be converted back to all-way stop control at their April 24, 2024 meeting; and

WHEREAS, the intersection of Seventh Street and Dunn Street has operated as an all-way stop controlled intersection since April 12, 2023 under a reissued 180-Day Order;

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

SECTION 1. Section 15.12.010, entitled "Stop Intersections" shall be amended by deleting the following from Schedule A:

Delete		
TRAFFIC ON	SHALL STOP FOR TRAFFIC ON	
Morton Street	Seventh Street	
Washington Street	Seventh Street	
Lincoln Street	Seventh Street	
Grant Street	Seventh Street	
Dunn Street	Seventh Street	

SECTION 2. Section 15.12.010, entitled "Stop Intersections" shall be amended by adding the following to Schedule B:

Seventh Street & Morton Street	dd 4-Way
Seventh Street & Washington Street	3-Way
Seventh Street & Lincoln Street	3-Way
Seventh Street & Grant Street	4-Way
Seventh Street & Dunn Street	3-Way

SECTION 3. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

this day of	y of Bloomington, Monroe County, Indiana, upon _, 2024.
	ISABEL PIEDMONT-SMITH, President Bloomington Common Council
ATTEST:	
NICOLE BOLDEN, Clerk City of Bloomington	
PRESENTED by me to the Mayor of the City this day of,	y of Bloomington, Monroe County, Indiana, upon , 2024.
NICOLE BOLDEN, Clerk, City of Bloomington	
SIGNED and APPROVED by me upon this	day of
	KERRY THOMSON, Mayor City of Bloomington

## SYNOPSIS

This ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff. The ordinance makes the following change:

- Replaces stop intersections with multi-stop intersections along Seventh Street at Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street.

#### **MEMORANDUM**

To: Common Council

From: Andrew Cibor, City Engineer

injuries on the City's roadways.

Date: April 29, 2024

Re: Proposed Ordinance # 2024-11, to make amendments to Title 15

Ordinance #2024-11 proposes changes to the Title 15 - Vehicles and Traffic section of the Bloomington Municipal Code regarding stop sign control at the Seventh Street intersections with Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street. The Ordinance would result in the reinstallation of all-way stop control at these intersections given a concerning pattern of crashes at these locations since the all-way stops were removed in 2021. Since the completion of the 7-Line project, a large proportion of the corridor-wide crashes are occurring at these intersections and are susceptible to correction with the reinstallation of all-way stop control. Staff believe that all-way stop control installation is appropriate at these intersections

The attached Traffic Commission Staff Report provides additional data and context regarding the proposed ordinance. The Traffic Commission discussed the report at their April 24, 2024 meeting and took the following votes:

and would be consistent with the City's recently adopted goal of zero traffic deaths and serious

- 7-0 (passed) Recommend support for all-way stop at the Dunn Street intersection
- 3-4 (failed) Recommend support for all-way stop at the Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street intersections
- 5-2 (passed) Recommend support for all-way stop at the Morton Street intersection

The ordinance includes the following changes:

- Section 1:
  - Removes five stop intersections on Seventh Street (Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street)
- Section 2:
  - Adds five all-way stop intersections on Seventh Street (Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street)

The cost of adding or removing signs, posts, pavement markings, etc. is covered within the City's annual operating budget.

#### Attachment:

 April 24, 2024 Traffic Commission Staff Report - 7-Line Project Update and All-Way Stop Control Installation (with 5 associated attachments)



TRAFFIC COMMISSIONCase #: TC-24-02STAFF REPORTDate: April 24, 2024

**FROM:** Andrew Cibor, PE, PTOE, Engineering Department

**REQUEST:** 7-Line Project Update and All-Way Stop Control Installation

**Location**: 7<sup>th</sup> Street (B-Line Trail to Woodlawn)

#### **Background:**

The 7-Line project was one of seven Bicentennial Bond projects approved by the City Council in 2018 and was identified as a Phase 1 priority project in the Transportation Plan adopted by City Council in 2019. The project was envisioned to provide a protected east-west bicycle lane and improved transit corridor to connect the B-Line, downtown, Indiana University campus, and eastside neighborhoods. In August 2020, City Council unanimously approved Ordinance 20-14 with parking and stop sign changes associated with the project. These changes were also supported by the city's Parking, Traffic, and Bicycle & Pedestrian Safety Commissions. Project construction was completed in late 2021.

As a part of the City's effort to monitor the 7th Street corridor after the completion of the 7-Line project, the Engineering Department prepared a report regarding all-way stop control reinstallation that was reviewed and discussed by the Bicycle & Pedestrian Safety Commission and the Traffic Commission at their March 2023 meetings. After reviewing and discussing the report, both Commissions voted to convert the 7th Street and Dunn Street intersection from a one-way stop controlled intersection (southbound traffic on Dunn St was required to stop for traffic on 7th Street) to an all-way (3-Way) stop controlled intersection where all approaching traffic would be required to stop. This recommendation was largely due to a pattern of crashes that were susceptible to correction with the installation of all-way stop control. Due to the pattern of crashes, and consistent with the Commission recommendations, a 180 Day Order was issued on April 10, 2023 and the intersection was converted to all-way stop control on April 12, 2023.

The Bloomington City Council voted to retain the all-way stop control at 7th Street and Dunn Street intersection and directed that three additional all-way stop controlled intersections be reinstalled along 7th Street at the Morton Street, Washington Street, and Lincoln Street intersections on October 4, 2023. However, Mayor Hamilton vetoed Ordinance 23-23 on October 13, 2023 noting, "Additional time, hopefully enough to allow a full year of data since the April 2023 changes, will allow for more robust and meaningful data to inform any significant adjustments."

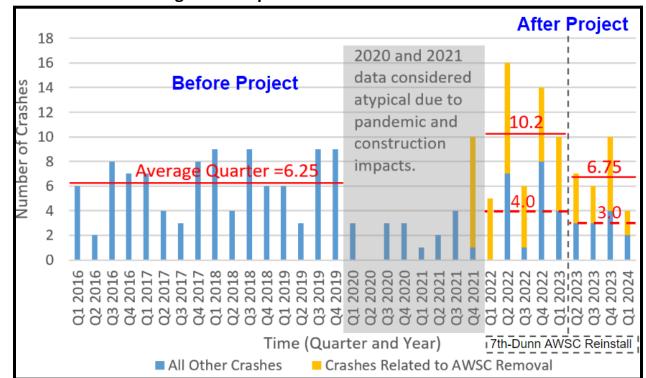
The intersection of 7th Street and Dunn Street has operated as an all-way stop controlled intersection under a reissued 180 day order since April 12, 2023. This report provides a brief

update on the status of the corridor and makes recommendations for updates to several intersections along the corridor.

#### **Data Trend Summary:**

Since completion of the 7-Line project in 2021 the following traffic trends have been observed:

- Automobile traffic volumes increased on 7th Street between Walnut and Indiana since the installation of the protected bike lane and removal of stop signs, and traffic volumes on intersecting streets where all-way stop control was removed decreased.
- A majority of vehicles on 7th Street exceed the 25mph regulatory speed limit. Measured 85th percentile speeds are approximately 30mph. Vehicle speeds decreased approximately 2mph in the vicinity of the Dunn Street intersection after the all-way stop was reinstalled.
- After the project, bike lane traffic counts increased approximately 27% to 50% adjacent to the Indiana University campus where the two-way protected bicycle lane replaced standard bicycle lanes. In a block that previously did not have bicycle lanes (Grant to Dunn) bicycle/scooter use increased 259%.
- Limited pedestrian traffic data available indicates more pedestrians are crossing 7th Street. Corridor-wide reported pedestrian crashes decreased since completion of the project.
- Vulnerable road user crash frequency is similar to pre-project rates despite increased vulnerable road user traffic.
- The number of reported crashes resulting in injuries is higher than pre-project rates.
- As illustrated in Figure 1, the corridor averaged 6.25 reported crashes per quarter (3 month period) before the 7-Line project was constructed and intersection traffic control was changed. Since the 7-Line project was completed and the all-way stop was reinstalled at the Dunn Street intersection, the corridor is averaging 6.75 total reported crashes per quarter. More than half of the reported corridor-wide crashes post project are susceptible to correction with the reinstallation of all-way stop control at the one/two-way stop controlled intersections. If all-way stop control is installed at these intersections, then the corridor-wide crash rate is estimated to average between 3 and 4 crashes per quarter.
- The reported crash frequency of the stop controlled intersections that did not change with the 7-Line project (e.g., Indiana Avenue, Woodlawn Ave, etc.) did not see a reported crash rate increase after completion of the project.
- There has only been one reported crash at the intersection of 7th Street and Dunn Street since reinstalling the all-way stop at the intersection and that crash occurred shortly after the all-way stop was reinstalled.



**Figure 1 - Reported Corridor Total Crashes** 

#### **Intersection Traffic Control Analysis:**

The data and observations available to date indicate that while the protected bicycle lanes are generally operating as intended, the five intersections where all-way stop control was removed in conjunction with the 7-Line project (7<sup>th</sup> Street at Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street) would benefit from modifications. The crash data for these intersections indicates that nearly all reported crashes were a result of drivers on the side street failing to yield to drivers on 7<sup>th</sup> Street. In many of these crash reports, the driver on the side street told the reporting police officer that they mistakenly thought the intersection had all-way stop control. Since 2022 there were also two reported crashes at these intersections involving drivers failing to yield to users of the protected bicycle lane (one scooter at Dunn Street and one bicycle at Washington Street) and one reported crash involving a scooter failing to yield to a driver (southbound scooter on Morton Street). There were no reported crashes involving pedestrians at these five intersections.

Each of these five intersections has visible stop bars on the pavement and a stop sign with a "cross traffic does not stop" plaque (this was true for the Dunn Street intersection prior to the 180 day order). The one-way intersecting streets (Washington Street, Lincoln Street) have these signs located both on the left and right side of the road where it intersects with 7<sup>th</sup> Street. Additional signs and markings are not expected to be beneficial for clarifying the existing stop control at these intersections.

Installation of all-way stop control was evaluated at these intersections as an option to address the observed crash patterns. The Indiana Manual on Uniform Traffic Control Devices (IN MUTCD) includes four specific criteria to consider when studying whether to install all-way stop

control at intersections. Table 1 summarizes an evaluation of those criteria by subject intersection cross street.

**Table 1 - IN MUTCD All-Way Stop Evaluation (2022-current)** 

Intersection Cross Street	Interim measure for traffic signal installation?	≥ 5 reported crashes susceptible to correction by all-way stop in a 12-month period?	Meets minimum volume threshold?	Meets a combination of thresholds to at least 80% of values?
Morton St	No	No (3)	No	No
Washington St	No	Yes (5)	No	N/A
Lincoln St	No	Yes (7)	No	N/A
<b>Grant St</b>	No	Yes (6)	No	N/A
Dunn St	No	Yes (12)	Yes*	N/A

<sup>\*</sup>The Dunn Street intersection did not meet the minimum volume criteria based on pre-project data, but does meet the criteria using post-project data.

As summarized in Table 1, the Washington Street, Lincoln Street, Grant Street, and Dunn Street intersections meet at least one IN MUTCD criteria for all-way stop control installation; however, the Morton Street intersection does not meet the criteria.

Since October 2012 the IN MUTCD has been the adopted document to be used for evaluation of traffic control in the State of Indiana and is based on the Federal Highway Administration's (FHWA's) 10th Edition of the MUTCD that was published in 2009. While not yet adopted by the State, the FHWA published the 11th Edition of the MUTCD in December 2023 which offers some additional insight relevant to this study. Relevant items include:

- The IN MUTCD presents the above-mentioned all-way stop criteria as guidance; whereas, the 2023 MUTCD presents similar criteria as warrants. Both manuals suggest the importance of an engineering study that may include engineering judgment.
- Both MUTCD versions include a criterion related to five or more reported crashes susceptible to correction within a 12-month period; however, the 2023 MUTCD introduces another option related to crash experience if there are six or more reported crashes susceptible to correction within a 36-month period.

The 2023 MUTCD updates do not significantly alter the all-way stop evaluation findings summarized in Table 1; however, the only intersection that does not meet any of the criteria in Table 1 (Morton Street) has experienced 5 reported crashes susceptible to correction by an all-way stop in less than 24 months. If current trends continue, then this intersection is expected to meet the threshold established by the 2023 MUTCD in the coming months.

The IN MUTCD and the 2023 MUTCD also note an all-way stop engineering study may consider other criteria such as sight distance and pedestrian and bicycle movements. Visibility is limited in some locations on the 7th Street corridor. As a result, drivers may pull forward after stopping which can generate conflict with vehicles temporarily blocking crosswalks and/or bike lanes. Additionally, vulnerable road user traffic is generally high along the corridor due to proximity to both downtown and Indiana University campus. Finally, while not specifically listed in the MUTCD, the following additional items may be considered:

- Driver confusion has been observed where traffic on 7th Street will treat an intersection as an all-way stop despite the intersection not being an all-way stop. This behavior is most frequently observed at the Morton Street intersection and is similar to what was previously observed at the intersection of Kirkwood and Madison prior to it being converted to an all-way stop controlled intersection.
- The Morton Street intersection is the location staff perceive as receiving the most public interest in reinstalling an all-way stop (e.g., see the Bloomington Safe Streets & Roads For All (SS4A) public feedback survey map), and stakeholders such as the Bloomington Police Department have specifically noted interest in converting this intersection back to an all-way stop.

The majority of crashes are a result of motor vehicle drivers failing to yield to other motor vehicles, but the improvement option of implementing all-way stop control would have the most negative impact to efficiency for transit and users of the protected bicycle lane. The crashes involving motor vehicles are primarily right angle collisions. While the majority of crashes have not resulted in injuries, this crash type has potential to create serious injuries. Additionally, the implementation of all-way stop control can also reduce the potential for crashes involving users of the protected bicycle lanes (there have been some reported crashes involving people on bicycle/scooter, and observations indicate that some bicycle/scooter users must rapidly brake to avoid conflict with turning motor vehicles that failed to properly yield).

#### **Conclusion & Recommendation:**

The 7-Line project successfully improved east-west accessibility and mobility for all modes of transportation; however, the removal of all-way stop control at the five subject intersections (Morton, Washington, Lincoln, Grant, and Dunn) resulted in an increase in intersection-related crashes generally unrelated to the two-way protected bike lane.

- Before the removal of the all-way stop controlled intersections the corridor averaged about 25 reported crashes/year.
- Without all-way stop control at the five subject intersections the corridor averaged about 40 crashes/year.
- With the reinstallation of all-way stop at the Dunn St intersection the corridor has been averaging about 30 crashes/year.
- If all five intersections are converted to all-way stop the corridor is expected to average about 15 to 20 crashes/year.

Staff recommends that a Title 15 amendment be forwarded to City Council to reinstall all-way stop control at the five locations listed below. While the data is more compelling for some of these intersections than others, staff believe that all-way stop control installation is appropriate at all five locations and consistent with the City's recently adopted goal of zero traffic deaths and serious injuries on the City's roadways by the year 2039.

#### Title 15 Changes:

In order for all-way stop control to be implemented, Section 15.12.010, Schedule B "Multi-Stop Intersections" would need to be edited with the following changes.

Section 15.12.010, entitled "Stop intersections," shall be amended by deleting the following from Schedule A Stop Intersections:

Traffic on	Shall Stop for Traffic on
Morton Street	Seventh Street
Washington Street	Seventh Street
Lincoln Street	Seventh Street
Grant Street	Seventh Street
Dunn Street	Seventh Street

Section 15.12.010, entitled "Stop intersections," shall be amended by adding the following to Schedule B Multi-Stop Intersections:

Seventh Street & Morton Street	4-Way
Seventh Street & Washington Street	3-Way
Seventh Street & Lincoln Street	3-Way
Seventh Street & Grant Street	4-Way
Seventh Street & Dunn Street	3-Way

#### **Attachments:**

- 1. March 22, 2023 Traffic/BPSC Staff Report
- 2. September 15, 2023 Proposed Ordinance 23-23 Memorandum to City Council
- 3. October 13, 2023 Mayor Hamilton Veto Message regarding Ordinance 23-23
- 4. April 3, 2024 City Council Resolution 2024-07
- 5. April 10, 2024 180 Day Order Extension for All-Way stop at 7th Street and Dunn Street



TRAFFIC/BPSC Case #: TC-23-01 STAFF REPORT Date: March 22, 2023

FROM: Andrew Cibor, PE, PTOE, Engineering Department

**REQUEST:** 7-Line Project Update and All-Way Stop Control Installation

**Location**: 7<sup>th</sup> Street (B-Line Trail to Woodlawn)

#### **Description and Purpose:**

The 7-Line project was one of seven Bicentennial Bond projects proposed by Mayor John Hamilton and approved by the City Council in 2018. The project was also identified as a Phase 1 priority project in the Transportation Plan adopted by City Council in 2019. The project was envisioned to provide a protected east-west bicycle lane and improved transit corridor to connect the B-Line, downtown, Indiana University campus, and eastside neighborhoods. In August 2020, City Council unanimously approved Ordinance 20-14 with parking and stop sign changes associated with the project. These changes were also supported by the city's Parking, Traffic, and Bicycle & Pedestrian Safety Commissions. Project construction was completed in late 2021. This report provides a brief update on the overall project after one full year of operation and makes recommendations for updates to the corridor.

#### **Early Trends:**

**Bicycle Traffic** – Based on data from a permanent bicycle counter on 7<sup>th</sup> Street adjacent to the Indiana University (IU) campus where the two-way protected bicycle lane replaced standard bicycle lanes, bicycle/scooter use has increased 26%. Additionally, a January 2019 (pre-project) peak period (7-9AM and 4-6PM) traffic count was compared with a February 2023 (post-project) traffic count in the block between Dunn Street and Grant Street to assess bicycle traffic change in a block that previously did not have bicycle lanes. While these counts are less robust than the permanent counter because weather and other variables need to be considered, the data shows that bicycle/scooter use in this area of the corridor increased 259%.

**Transit Metrics** – Quantitative data to compare pre-project and post-project transit travel times, ridership, etc. is not available. Bloomington Transit (BT) has been upgrading technology to better measure these items going forward and has been working to modify their routes, manage changes in travel patterns, etc. Specifically as a part of this project some bus stops were consolidated to assist with travel times, and efficiency along the corridor is assumed to have improved as a result of stop sign removal, removal of on-street parking, and construction of bus stop islands that do not require buses to exit the travel lane. When the street first reopened after construction, BT and IU Campus Bus noted some concern with the width of the road and some turning movements. Minor project modifications were implemented at some intersections to address many of those concerns. Additionally, BT has been actively working to enhance driver training in various road conditions found throughout the city.

**Pedestrian Activity** – Staff has heard some concern about the level of comfort for pedestrians crossing 7<sup>th</sup> Street where stop signs were removed within the 7-Line project limits; however, the limited pedestrian data available at this time indicates more pedestrians are crossing the street, corridor-wide reported pedestrian crashes have decreased, and accessibility has been improved (the project constructed 59 accessible curb ramps and removed numerous sidewalk trip hazards).

**Motor Vehicle Traffic** – Traffic counts on 7<sup>th</sup> Street have increased by 11% to 27% in the area between Walnut Street and Indiana Avenue since the installation of the protected bike lane and removal of stop signs. The measured average speed in this area is 27mph with an eighty-fifth percentile speed of nearly 32mph. The measured speeds are higher than desired (the speed limit is 25mph) and suggest the majority of drivers are comfortable driving in 10' wide travel lanes. The data indicates no significant change in traffic volumes on 7<sup>th</sup> Street in the vicinity of Morton Street and a decrease in traffic volumes on some of the intersecting streets where allway stop control was removed (e.g., Morton Street traffic decreased 5% and Dunn Street traffic decreased 15%). Some drivers have driven into the bicycle lanes, either intentionally to illegally park/load or mistakenly due to confusion. Flexible delineator posts were installed at the entrance to the bicycle lanes at key intersections, and the incidence of this behavior has decreased significantly (the flexible posts were removed over the winter to facilitate snow removal, but will be reinstalled in the spring).

**Parking Impact** – The majority of on-street parking was removed from 7<sup>th</sup> Street within the 7-Line project area. As a part of the project, 44 parking spaces were added nearby on Dunn Street. 2019 data showed 35% utilization of parking spaces on 7<sup>th</sup> Street based on revenue potential (equivalent to 42 parking spaces). Multiple underutilized parking garages nearby the project were also identified during the project planning and development phases. Post-project parking data comparisons are limited given the majority of on-street parking on 7<sup>th</sup> Street in the project area was removed. Accessible parking spaces that were previously located on 7<sup>th</sup> Street were relocated on adjacent streets as necessary to maintain ADA compliance.

**Crash Data** - It is desirable to use multiple years of crash data to make robust evaluations. However, using one year of post-project crash data (2022 calendar year) for this corridor indicates a trend of increased crashes at the intersections where all-way stop control was removed, and a decrease in crashes at mid-block locations and at other intersections where intersection control did not change. This crash trend is further analyzed in the following section.

#### **Enhancement Alternative:**

The data and observations available to date indicate that while the protected bicycle lanes are generally operating as intended, the five intersections where all-way stop control was removed (7th Street at Morton Street, Washington Street, Lincoln Street, Grant Street, and Dunn Street) would benefit from modifications. The crash data for these intersections indicates that nearly all reported crashes were a result of drivers on the side street failing to yield to drivers on 7th Street. In many of these crash reports, the driver on the side street told the reporting police officer that they mistakenly thought the intersection had all-way stop control. At these intersections during the 2022 calendar year, there were also two reported crashes involving drivers failing to yield to users of the protected bicycle lane (one scooter at Dunn Street and one bicycle at Washington Street) and one reported crash involving a scooter failing to yield to a driver (southbound scooter on Morton Street). There were no reported crashes involving pedestrians.

Each of these five intersections has visible stop bars on the pavement and a stop sign with a "cross traffic does not stop" plaque. The one-way intersecting streets (Washington Street, Lincoln Street, and Dunn Street) have these signs located both on the left and right side of the road where it intersects with 7<sup>th</sup> Street. Additional signs and markings are not expected to be beneficial for clarifying the existing stop control at these intersections.

Installation of all-way stop control was evaluated at these intersections as an option to address the observed crash patterns. The Indiana Manual on Uniform Traffic Control Devices (MUTCD) includes specific criteria that should be followed for all-way stop installations. There are multiple reasons that stop signs are only recommended if they meet the MUTCD guidelines:

- Stop signs that do not meet recommended criteria are frequently violated (have low compliance rates). Drivers might come to a full stop initially, but over time they may begin rolling through the stop or even completely ignoring it because they rarely see what they believe to be a reason to stop. This behavior is problematic at the intersection with the all-way stop (for example, a pedestrian crossing the street thinks that traffic will stop at the stop sign, but a driver approaching the stop sign is used to simply slowing down and doesn't notice the pedestrian) and also at other intersections (as drivers lose respect for stop signs in general). There are multiple existing all-way stop intersections in town for which the City regularly receives complaints and safety concerns about drivers who do not stop (In the context of 7<sup>th</sup> Street it is likely that many users, particularly people on bicycle or scooter who do not want to lose momentum, will not come to a full stop.)
- Studies show that stop signs are not an effective tool for reducing speeds. Stop signs generally reduce speeds near the location where they are installed, but do not reduce speeds along the rest of a corridor. In fact, studies show that drivers tend to increase their speed between stop signs. Numerous references, including documents from the Institute of Transportation Engineers (ITE) and the National Association of City Transportation Officials (NACTO), explicitly recommend against using stop signs as a tool for speed reduction. (If all-way stop control is reinstalled on 7<sup>th</sup> Street, then the corridor would have stop signs or traffic signals at every block between the B-Line and Indiana Avenue. Speeds on the corridor would likely decrease because the majority of the street would be in close proximity to a stop sign.)
- Unwarranted stop signs are not conducive to efficient traffic flow for vehicles (including bicycles, cars, and transit), particularly on collector or arterial streets. Stop signs at every single block make a corridor less convenient for vehicular travel. (Stop control was modified on 7<sup>th</sup> Street with the explicit goal to "improve east/west connectivity and efficiency for bicyclists and transit users.")

MUTCD guidance for all-way stop installations states that intersections should meet one of the following:

- As an interim measure while awaiting installation of traffic signals.
- Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop.
- Minimum volume thresholds.
- Where no single criterion is satisfied, but the location meets a combination of the crash and volume criteria to at least 80% of values.

The following table summarizes these criteria for each subject intersection.

Intersection Cross Street	Interim measure for traffic signal installation?	≥ 5 reported crashes susceptible to correction by all-way stop?	Meets minimum volume threshold?	Meets a combination of thresholds to at least 80% of values?
Morton St	No	No (3)*	No	No
Washington St	No	Yes (5)*	No	N/A
Lincoln St	No	Yes (5)*	No	N/A
Grant St	No	No (4)	No	No
Dunn St	No	Yes (12)	Yes**	N/A

<sup>\*</sup>This criteria uses a rolling 12-month period. For intersections that did not have at least 5 crashes during the 2022 year of crash data (1/1/2022 through 12/31/2022), a subsequent evaluation was performed to search for a higher 12-month period using data available to date (e.g. 2/1/2022 through 1/31/2023). The Morton, Washington, and Lincoln intersections yielded an increase with this evaluation. When looking only at 2022 data, Morton had 2 crashes, Washington had 4 crashes, and Lincoln had 4 crashes.

The MUTCD also allows the following optional criteria to be considered as a part of an engineering study regarding all-way stop control:

- The need to control left-turn conflicts (Not applicable, but stop control may be beneficial for controlling motor vehicle turns across the protected bike lane.)
- The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes (*Pedestrian use is generally high due to proximity to both downtown and Indiana University campus.*)
- Locations where a road user, after stopping, cannot see conflicting traffic and is not able
  to negotiate the intersection unless conflicting cross traffic is also required to stop
  (Visibility is limited in some locations. Adequate visibility is available if drivers pull
  forward after stopping, but this action can generate conflict with the pedestrian
  crosswalks.)
- An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection (*This consideration is typically applied in* fully residential areas, but does have some relevance for 7<sup>th</sup> Street.)

The Dunn Street, Washington Street, and Lincoln Street intersections each meet at least one MUTCD criteria for all-way stop control installation. The Grant Street and Morton Street intersections do not meet the primary criteria, but they are close to meeting the crash data criteria and, if unchanged, it is possible that they would fully meet this criteria in a future 12-month period. The Morton Street intersection is currently the furthest from meeting the primary criteria, but anecdotal observations indicate that this intersection potentially experiences the highest level of driver confusion and has the potential for more crashes. The MUTCD's optional criteria provide further support for installation of all-way stop control at each of these intersections.

It is worth noting that the majority of crashes are a result of motor vehicle drivers failing to yield to other motor vehicles, but the improvement option of implementing all-way stop control would have the most negative impact to efficiency for transit and bicycle/scooter traffic. The crashes involving motor vehicles are primarily right angle collisions. While the majority of crashes have not involved any injury, this crash type has potential to create serious injuries. Additionally, the

<sup>\*\*</sup>The Dunn Street intersection did not meet the minimum volume criteria based on pre-project data, but does meet the criteria using post-project data.

implementation of all-way stop control can also reduce the potential for crashes involving users of the protected bicycle lanes (there have been some reported crashes involving people on bicycle/scooter, and observations indicate that some bicycle/scooter users must rapidly brake to avoid conflict with turning motor vehicles that failed to properly yield).

#### Title 15 Changes:

In order for all-way stop control to be implemented, Section 15.12.010, Schedule B "Multi-Stop Intersections" would need to be edited with the following changes.

Section 15.12.010, entitled "Stop intersections," shall be amended by deleting the following from Schedule A Stop Intersections:

Traffic on	Shall Stop for Traffic on
Morton Street	Seventh Street
Washington Street	Seventh Street
Lincoln Street	Seventh Street
Grant Street	Seventh Street
Dunn Street	Seventh Street

Section 15.12.010, entitled "Stop intersections," shall be amended by adding the following to Schedule B Multi-Stop Intersections:

Seventh Street & Morton Street	4-Way
Seventh Street & Washington Street	3-Way
Seventh Street & Lincoln Street	3-Way
Seventh Street & Grant Street	4-Way
Seventh Street & Dunn Street	3-Way

#### **Recommendation:**

This project has been successful for improving east-west accessibility and mobility for all modes of transportation. All-way stop control implementation is expected to result in an additional positive metric through a reduction of reported crashes along the corridor. Staff recommends that a Title 15 amendment be forwarded to City Council with a positive recommendation to reinstall all-way stop control at the five locations listed above. While the data is more compelling for some of these intersections than others, staff believe that all-way stop control installation is appropriate at all five locations. Implementing this operational change at all five intersections at the same time, as opposed to using an incremental approach, is expected to improve user ability to adapt to the change.

#### **MEMORANDUM**

To: Common Council

From: Andrew Cibor, City Engineer

Date: September 15, 2023

Re: Proposed Ordinance # 23-23, to amend Title 15 to change stop signs on Seventh Street

Ordinance #23-23 proposes changes to the Title 15 - Vehicles and Traffic section of the Bloomington Municipal Code that are consistent with recommendations supported by city staff, the Bicycle & Pedestrian Safety Commission, and the Traffic Commission regarding stop sign control at the intersection of Seventh Street and Dunn Street.

As a part of the City's effort to monitor the Seventh Street corridor after the completion of the 7-Line project, the Engineering Department prepared a report that was reviewed and discussed by the Bicycle & Pedestrian Safety Commission and the Traffic Commission at their March 2023 meetings. After reviewing and discussing the report, both Commissions voted to support the conversion of the Seventh Street and Dunn Street intersection from a one-way stop controlled intersection (southbound traffic on Dunn St was required to stop for traffic on Seventh Street) to an all-way (3-Way) stop controlled intersection where all approaching traffic would be required to stop. This recommendation was largely due to a pattern of crashes that were susceptible to correction with the installation of all-way stop control. Due to the pattern of crashes, and consistent with the Commission recommendations, a 180 Day Order was issued on April 10, 2023 and the intersection was converted to all-way stop control on April 12, 2023. The subject 180 Day Order is set to expire on October 9, 2023. Recent crash data confirms that installation of all-way stop control has successfully reduced crashes at this intersection. Staff recommends that this change become a permanent Title 15 update.

The ordinance includes the following changes:

- Section 1:
  - Removes the stop intersection at Dunn Street and Seventh Street. Traffic
     Commission, Bicycle & Pedestrian Safety Commission, Engineering Department
- Section 2:
  - Adds a 3-way stop intersection at Seventh Street & Dunn Street. Traffic Commission, Bicycle & Pedestrian Safety Commission, Engineering Department

The proposed ordinance does not have a fiscal impact given the changes have already been implemented. Generally, anticipated expenditures to add or remove signs, posts, etc. are covered within the annual operating budget.

#### Attachments:

- 1. March 22, 2023 7-Line Project Update and All-Way Stop Control Installation Staff Report for the Traffic Commission and Bicycle & Pedestrian Safety Commission
- 2. 180 Day Order 23-01 to Install all-way stop control at the intersection of 7th Street and Dunn Street



To: **Bloomington Common Council Members** 

Cc: Stephen Lucas, Council Administrator/Attorney

Beth Cate, Corporation Counsel

From: Mayor John Hamilton Date: October 13, 2023

Re: Veto Message re: Ordinance 23-23

#### Members of the Common Council:

When the new 7-Line protected bicycle lane was opened on 7th Street in late 2021, stop signs were removed at five intersections. This prioritized 7th Street as a desired east-west route for all, especially for bike and transit traffic, consistent with a 2020 ordinance unanimously adopted by City Council.

About a year and a half later, in April 2023, the City Engineer issued a 180-day order to replace stop signs at one intersection, Dunn and 7th Street, to address a measurable trend of crashes at that location. This action was consistent with recommendations from both the Bicycle and Pedestrian Safety and the Traffic Commissions after they reviewed a report on the corridor's traffic and crash data since the 7-Line project was completed.

On Wednesday, October 4, 2023, the Bloomington City Council voted to retain the three-way stop sign at 7th and Dunn Streets as requested by the administration and consistent with the earlier recommendations of the resident commissions. The Council also by amendment that evening directed that three additional stop signs be reinstalled along 7th Street and the 7-Line protected bicycle lane, at the intersections of Morton, Washington, and Lincoln streets. The vote was 5 in favor, 4 against.

Pursuant to state and local laws, I am vetoing this ordinance and sending it back for Council consideration, for several reasons.

Safety, use of data, and process are all important in making traffic management decisions. Changes in traffic patterns are always a safety concern, and monitoring results generally should allow sufficient time for adjustment to new patterns. The public is becoming familiar with the new traffic patterns along 7th Street, including the replacement of the Dunn Street signs six months ago. Frequent changes along one corridor can cause greater concerns. The Council vote to revert three intersections to the pre-2021 condition, with the possibility of it being changed again in a few months, can cause more confusion and directly presents public safety concerns. Additional time, hopefully enough to allow a full year of data since the April 2023 changes, will allow for more robust and meaningful data to inform any significant adjustments.

In addition, a primary rationale described by some council members in support of the amendment to the ordinance was regarding concerns about pedestrian safety or level of comfort. Since its re-opening, the 7th Street corridor has seen an improvement in pedestrian safety with a decrease in pedestrian-involved crashes.

Process matters are concerning as well. The amendment to adjust three more intersections was proposed in a way that did not allow for any significant notice to or input from the public, including particularly the resident commissions charged with advising on any changes.

I appreciate the interests and commitment of all to sustaining and improving our safe and efficient multi-modal transportation system, recognizing that there can be different judgments made about how best to accomplish those shared goals. Consistent with city ordinances, the City Engineer has implemented a second 180-day order to preserve the status quo with the stop signs at 7th and Dunn, and to allow additional public review, data gathering, and discussions that can inform any decisions by the City Administration and Council by or before April 2024.

Respectfully,

John Hamilton

Mayor, City of Bloomington

In Hailt

#### **RESOLUTION 2024-07**

# ESTABLISHING THE GOAL OF REDUCING TRAFFIC DEATHS AND SERIOUS INJURIES ON THE CITY'S ROADWAYS TO ZERO IN THE CITY BY THE YEAR 2039

- WHEREAS, the life and health of all persons living and traveling within the City of Bloomington are our utmost priority, and no one should die or be seriously injured while traveling on our city streets; and
- WHEREAS, according to data from the National Highway Traffic Safety Administration, each year approximately 40,000 people are killed in traffic collisions in the United States and almost 1,000 within Indiana, and traffic crashes are among the leading causes of deaths in the United States<sup>1</sup>; and
- WHEREAS, 14 people in the City of Bloomington lost their lives to traffic deaths in the five year period between 2018 and 2022; and
- WHEREAS, the City of Bloomington's transportation infrastructure serves an increasing number of vulnerable road users such as pedestrians and cyclists; and
- WHEREAS, according to data provided by the Indiana State Police through the years 2018 and 2022, pedestrians were involved in 2.5 percent of collisions and account for 28.6 percent of traffic deaths in the City of Bloomington; and
- WHEREAS, according to data provided by the Indiana State Police through the years 2018 and 2022, bicyclists and scooter riders were involved in 1.9 percent of collisions and account for 7.1 percent of traffic deaths in the City of Bloomington; and
- WHEREAS, between 2018 and 2022, the serious injury rate for pedestrians involved in collisions was approximately 28.5 percent and the serious injury rate for bicyclists and scooter riders involved in collisions was approximately 22.3 percent; and
- WHEREAS, speed is recognized as a major determining factor of survival in a crash<sup>2</sup>; and
- WHEREAS, the City of Bloomington will work toward reducing vehicle speeds because the likelihood of a pedestrian surviving a crash is 10 percent when hit by a vehicle traveling at 40 mph, 50 percent when hit by a vehicle traveling at 30 mph, and 90 percent when hit by a vehicle traveling at 20 mph<sup>3</sup>; and
- WHEREAS, children, older adults, people of color, people with disabilities, people who are unhoused, and people with low income face a significantly disproportionate risk of traffic injuries and fatalities<sup>4</sup>; and
- WHEREAS, making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which reduces environmental pollution; and
- WHEREAS, the City of Bloomington has already adopted the 2018 Comprehensive Plan, the Transportation Plan, and Traffic Calming & Greenways Program, which seek to promote roadway safety for all users.

<sup>&</sup>lt;sup>1</sup> NHTSA: Overview of Motor Vehicle Crash Traffic Crashes in 2021. https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813435.

<sup>&</sup>lt;sup>2</sup> Institute of Transportation Engineers; Road to Zero Coalition; and RTZ Safe System Working Group. Safe System. Institute of Transportation Engineers. Website: <a href="http://ite.org/technical-resources/topics/safe-systems/">http://ite.org/technical-resources/topics/safe-systems/</a>

systems/
<sup>3</sup> Ferrier K., Landmark national study urges safety over speed. Vision Zero Network website: visionzeronetwork.org/safety-over-speed. July 25, 2017.

<sup>&</sup>lt;sup>4</sup> Fox J, Shahum L., Vision Zero Equity Strategies for Practitioners. Oakland, CA: Vision Zero Network; 2017. Website: <a href="https://visionzeronetwork.org/wp-content/uploads/2017/11/VisionZero Equity FINAL.pdf">https://visionzeronetwork.org/wp-content/uploads/2017/11/VisionZero Equity FINAL.pdf</a>

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

SECTION 1. The City of Bloomington adopts the goal of zero traffic deaths and serious injuries by 2039, stating that no loss of life or serious injury is acceptable on our streets.

SECTION 2. The City of Bloomington desires a comprehensive and holistic approach to achieving this goal.

SECTION 3. The City of Bloomington shall adopt a Safe Streets and Roads for All (SS4A) Action Plan which will be used to guide future investments and infrastructure improvements in our roadways.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this <u>03</u> day of <u>April</u>, 2024.

ISABEL PIEDMONT-SMITH, President Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this <u>09</u> day of <u>April</u>, 2024.

NICOLE BOLDEN, Clerk,

City of Bloomington

KERRY THOMSON, Mayor City of Bloomington

## SYNOPSIS

This resolution establishes the goal of zero traffic deaths and serious injuries on the City of Bloomington's roadways by the year 2039, outlines the City's intention to pursue a comprehensive approach to achieve this objective, and requires the adoption of a Safe Streets and Roads for All (SS4A) Action Plan.

Distributed to: Clerk, Council Attorney, Mayor, Planning and Transportation, and Legal.

# 180-DAY ORDER

Pursuant to Bloomington Municipal Code § 15.08.040 I hereby issue this 180-Day Order, the details of which are described in detail below, for the following reason(s):

$\boxtimes$	To make and enforce temporary regu	lations;
	To make and enforce experimental re	gulations;
	To make and enforce regulations necessity	essary to deal with emergencies; and/or
	To make and enforce regulations necessity	essary to deal with special conditions.
Street in coord free-flow and data along the & Pedestrian S crash data for intersection re control. In ord control. Imple and signs. This and Traffic Co	lination with the multimodal 7-Line proofly Dunn Street has a stop sign. This corridor and a 7-Line project status resafety Commission, Traffic Commission, the intersection of 7 <sup>th</sup> Street and Dunn lated crashes that are susceptible to cover to reduce crash risk at this intersect mentation of this change requires instance of the proposed change was supported by the	rrection with the installation of all-way stop ion, it will be converted back to all-way stop allation of appropriate pavement markings he Bicycle & Pedestrian Safety Commission gs. After careful review and consideration
Install	all-way stop control at the intersection	of 7 <sup>th</sup> Street and Dunn Street.
Questions rega	arding this Order shall be directed to the	ne City Engineer.
Signature of	City Engineer	<u>4/10/2024</u> Date
Effective Date Expiration Date	e: 4/12/2023 ate: 10/3/2024	*Reissued on 4/10/2024 to extend expiration from 4/6/2024 to 10/3/2024 under the 180-day Orders Policy.
	Case Number: 23-01	

The following information was provided by City Engineer Andrew Cibor in response to an individual councilmember's questions about additional data and information needed to consider <u>Ordinance 2024-11</u>. The questions are in black font, and staff's answers are in blue font:

- Trends can we get an update on scooter/bicycle use? At the time of the last count, bike/scooter data had increased 259% along the corridor. Unfortunately I have limited new data to share on this topic given we have very limited 'before' data and we did not collect new 'after' data during a comparable time period (the before counts that were a part of the 259% calculation were conducted in winter months). We do have the permanent bicycle counter data adjacent to IU's campus and I can share some additional information from that location but it also has limitations (it doesn't count scooters). The permanent bike lane counter seems to suggest bicycle traffic is showing signs of slight continued growth.
- Motor vehicle traffic can we get another round of traffic counts, similar to what
  was previously done? We could; however, with IU being on summer break it
  would be hard to draw many conclusions when comparing volume levels
  unless we waited until the fall. I do not expect traffic volumes to be significantly
  different from previous data collection efforts.
- Motor vehicle traffic can we get an update on traffic speeds, similar to what was previously done? Similiar response regarding the traffic count data while IU is on summer break. I don't expect new measured speeds to be significantly different than the most recent measurements.
- Crash data can we get more details on types of crashes fatal/serious injury vs. fender bender, number of pedestrians involved in crashes, number of scooters involved in crashes, and number of bicycles involved in crashes. And similar to your previous report, can this data be shown quarterly? Attached are 3 presentation slides showing quarterly crashes (total reported crashes, injury reported crashes, and vulnerable road user crashes). Some additional details you may be interested in that are not captured in those slides: 1) There are no fatal crashes in the before or after periods. 2) There has been 1 incapacitating injury crash in the 'after' period (2.25 year time period) but there were 5 in the 'before' (4 year time period). The 1 incapacitating injury crash since the 7-Line project involves a bicyclist in the protected bicycle lane and a vehicle entering the driveway ~30' west of the Washington St intersection.
- Bike/Ped Commission is this ordinance going before bike/ped for their recommendation? The October 2023 version did, and I would like to see that in this process as well. I understand your desire. Unfortunately Bike/Ped didn't have a meeting in April due to conflicts with the eclipse and we've been trying to resolve the long-standing 180-day order in place at the Dunn St intersection. We are planning on discussing this topic with the BPSC at their meeting next week so I'll be able to provide Council an update of their feedback.

Inserting the 2 tables below - can you tell me the timeline for this data? Is it updated based on the previous 12 months, so roughly 6 months different from the October 2023 table? Thank you for your clarification! The memo from last year reflected crash data from January 2022 through the beginning of March 2023. The 2024 memo reflects crash data from January 2022 through the end of March 2024. That being said, the values in these tables reflect the highest number of reported crashes within a 12-month window that are susceptible to correction during the time period listed (does that help? I can see it being confusing and I may not be doing a good job describing it - sorry!)

### From October 2023 Memo

Intersection Cross Street	Interim measure for traffic signal installation?	≥ 5 reported crashes susceptible to correction by all-way stop?	Meets minimum volume threshold?	Meets a combination of thresholds to at least 80% of values?
Morton St	No	No (3)*	No	No
Washington St	No	Yes (5)*	No	N/A
Lincoln St	No	Yes (5)*	No	N/A
Grant St	No	No (4)	No	No
Dunn St	No	Yes (12)	Yes**	N/A

<sup>\*</sup>This criteria uses a rolling 12-month period. For intersections that did not have at least 5 crashes during the 2022 year of crash data (1/1/2022 through 12/31/2022), a subsequent evaluation was performed to search for a higher 12-month period using data available to date (e.g. 2/1/2022 through 1/31/2023). The Morton, Washington, and Lincoln intersections yielded an increase with this evaluation. When looking only at 2022 data, Morton had 2 crashes, Washington had 4 crashes, and Lincoln had 4 crashes.

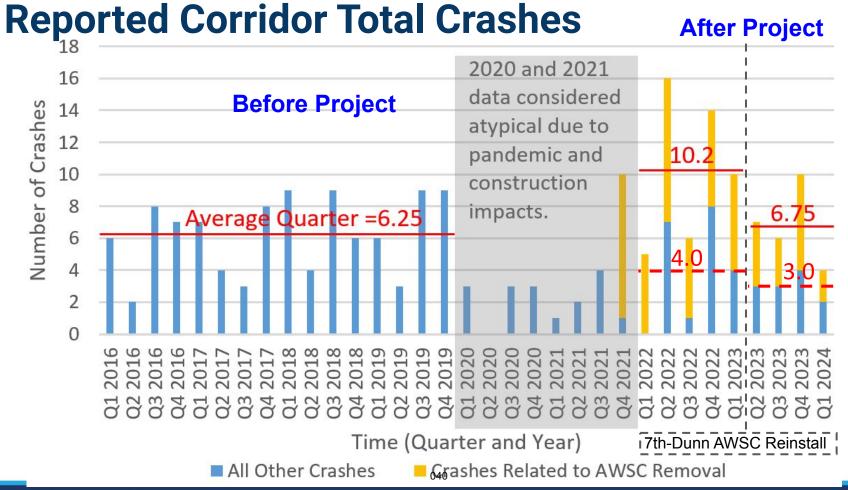
### From May 2024 Memo

Table 1 - IN MUTCD All-Way Stop Evaluation (2022-current)

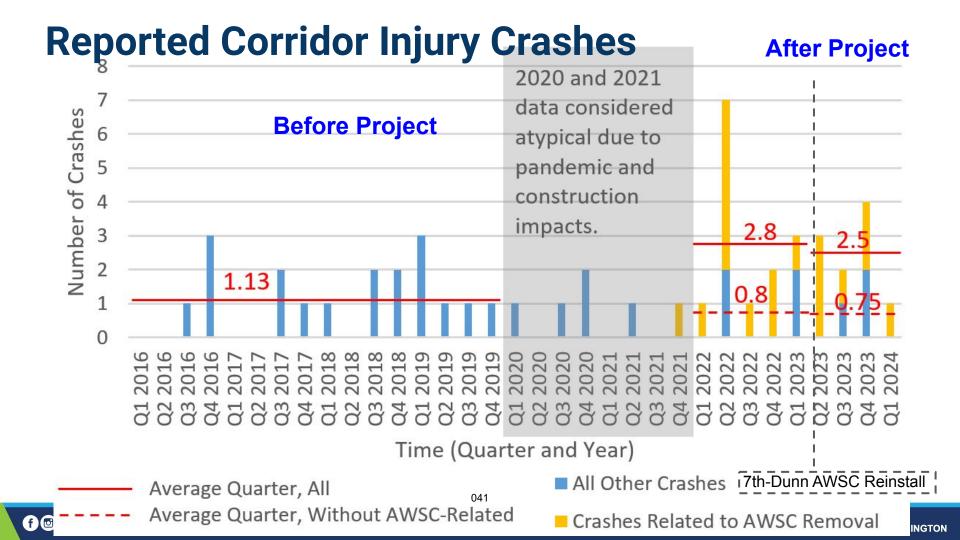
Intersection Cross Street	Interim measure for traffic signal installation?	≥ 5 reported crashes susceptible to correction by all-way stop in a 12-month period?	Meets minimum volume threshold?	Meets a combination of thresholds to at least 80% of values?
Morton St	No	No (3)	No	No
Washington St	No	Yes (5)	No	N/A
Lincoln St	No	Yes (7)	No	N/A
Grant St	No	Yes (6)	No	N/A
Dunn St	No	Yes (12)	Yes*	N/A

<sup>\*</sup>The Dunn Street intersection did not meet the minimum volume criteria based on pre-project data, but does meet the criteria using post-project data.

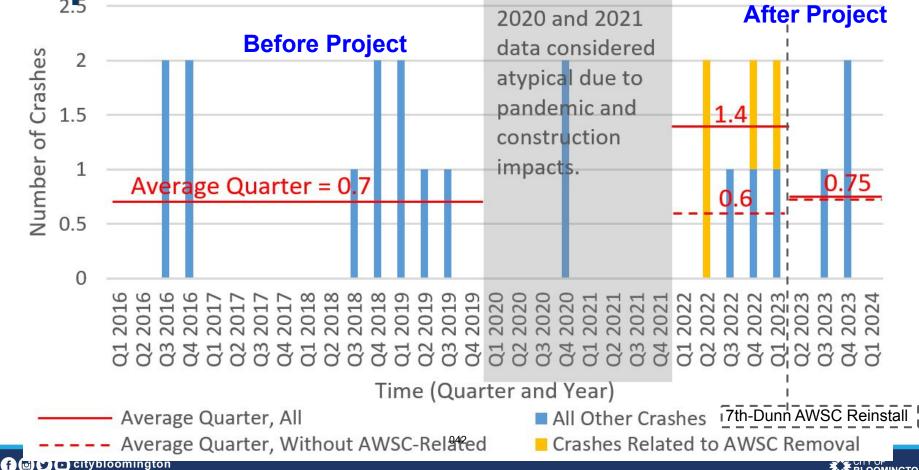
<sup>\*\*</sup>The Dunn Street intersection did not meet the minimum volume criteria based on pre-project data, but does meet the criteria using post-project data.







Reported Corridor Bike/Ped/Scooter Crashes



BLOOMINGTON



To: Members of the Common Council

From: Ash Kulak, Deputy Administrator/Attorney

**Date:** May 3, 2024

**Re:** Ordinance 2024-12 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Section 15.12.010 to remove one stop intersection on Constitution Avenue and Liberty Drive; Section 15.12.030 to add one signalized intersection on Constitution Avenue and Liberty Drive; Section 15.32.030 to replace pull in angle parking with back in angle parking on Sixth Street between Walnut Street and 35' west of Washington Street; Section 15.32.080 to remove no parking zones on the north side of Atwater Avenue between Park Avenue and Faculty Avenue, and to codify and extend the no parking zone on the south side of Grimes Lane from Morton Street to 100' east of Palmer Avenue; and Section 15.32.100 to add a loading zone on South Washington Street

### **Synopsis**

This ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff. The ordinance makes the following changes:

- Replaces stop intersection with signalized intersection at Constitution Avenue and Liberty Drive.
- Replaces pull in angle parking with back in angle parking on Sixth Street between Walnut and Washington Streets.
- Removes the no parking zone on the north side of Atwater Avenue between Park and Faculty Avenues.
- Clarifies and combines all three no parking zones on the north side of Grimes Lane into one line to read as one no parking zone between Morton Street and Woodlawn Avenue.
- Codifies and extends the no parking zone on the south side of Grimes Lane from Morton Street to 100' east of Palmer Avenue.
- Adds a loading zone to a portion of South Washington between Kirkwood Avenue and the alley between Kirkwood Avenue and Fourth Street.

### **Relevant Materials**

- Ordinance 2024-12
- Staff Memo from Andrew Cibor, City Engineer, and Ryan Robling, Planning Services Manager
- Staff Report to the Traffic Commission from Ryan Robling, Planning Services Manager (including a letter from the Monroe County Highway Department regarding the Karst Farm Connector Trail Project)
- Staff Reports to the Parking Commission from Karina Pazos, Long Range Planner, and Driss Tahir, Engineering Technician (including maps of the affected areas)

### **Summary**

Ordinance 2024-12 proposes to amend various sections of Title 15 ("Vehicles and Traffic") of the Bloomington Municipal Code, accessible online at the following link: <a href="https://library.municode.com/in/bloomington/codes/code">https://library.municode.com/in/bloomington/codes/code</a> of ordinances?nodeId=TIT15 VETR. Title 15 contains codified traffic and parking controls for the city and is subject to frequent change and revision.

As the staff memo notes, the proposals are a result of concerns identified through staff's review of existing code, public requests, a Monroe County capital project, and feedback through commissions' recommendations. The proposed changes would affect stop intersections, signalized intersections, angle parking, no parking zones, and limited parking zones. The reasons for the proposed changes and maps of the affected locations are provided in the staff memo.

In its discussions with city staff about this ordinance, council staff discovered some discrepancies between the language in the proposed ordinance and the language in the Parking Commission's reports. City staff noted that these discrepancies were reflective of mistakes in the Commission's reports and confirmed that the language of the proposed ordinance is correct.

#### Contact

Andrew Cibor, City Engineer, 812-349-3913, <a href="mailto:andrew.cibor@bloomington.in.gov">andrew.cibor@bloomington.in.gov</a>
Ryan Robling, Planning Services Manager, 812-349-3459, <a href="mailto:robling

### **ORDINANCE 2024-12**

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" - Re: Amending Section 15.12.010 to remove one stop intersection on Constitution Avenue and Liberty Drive; Section 15.12.030 to add one signalized intersection on Constitution Avenue and Liberty Drive; Section 15.32.030 to replace pull in angle parking with back in angle parking on Sixth Street between Walnut Street and 35' west of Washington Street; Section 15.32.080 to remove no parking zones on the north side of Atwater Avenue between Park Avenue and Faculty Avenue, and to codify and extend the no parking zone on the south side of Grimes Lane from Morton Street to 100' east of Palmer Avenue; and Section 15.32.100 to add a loading zone on South Washington Street.

WHEREAS, the Traffic Commission, Parking Commission, and City staff from the Engineering and Planning and Transportation departments recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled "Vehicles and Traffic";

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

SECTION 1. Section 15.12.010, entitled "Stop intersections.", shall be amended by deleting the following from Schedule A:

Detec				
TRAFFIC ON	SHALL STOP FOR TRAFFIC ON			
Constitution Avenue	Liberty Drive			

SECTION 2. Section 15.12.030, entitled "Signalized intersections.", shall be amended by adding the following to Schedule D(1):

Ac	dd
CROSS STREET	CROSS STREET
Constitution Avenue	Liberty Drive

SECTION 3. Section 15.32.030, entitled "Angle parking.", shall be amended by deleting the following to Schedule L:

#### Delete Street From To Side of Angle Type Street Sixth Street College Avenue Washington Street South Pull In Sixth Street Walnut Street Washington Street Pull In North

SECTION 4. Section 15.32.030, entitled "Angle parking.", shall be amended by adding the following to Schedule L:

### Add

Street	From	То	Side of Street	Angle Type
Sixth Street	College Avenue	Walnut Street	South	Pull In
Sixth Street	Walnut Street	Washington Street	North / South	Back In

SECTION 5. Section 15.32.080, entitled "No parking zones.", shall be amended by deleting the following to Schedule M:

### Delete

Street	From	То	Side of Street	Time of Restriction
Atwater Avenue	Third Street	High Street	North / South	Any time
Grimes Lane	Palmer Avenue	Henderson Street	North	Any Time
Grimes Lane	Rogers Street	Palmer Avenue	North	Any Time
Grimes Lane	Woodlawn Avenue	Henderson Street	North	Any Time

SECTION 6. Section 15.32.080, entitled "No parking zones.", shall be amended by adding the following to Schedule M:

### Add

. 100				
Street	From	То	Side of Street	Time of Restriction
Atwater Avenue	Third Street	High Street	South	Any time
Atwater Avenue	Third Street	120' east of Park Avenue	North	Any time
Atwater Avenue	60' west of Woodlawn Avenue	Woodlawn Avenue	North	Any time
Atwater Avenue	60' west of Faculty Avenue	High Street	North	Any time
Grimes Lane	Morton Street	Woodlawn Avenue	North	Any Time
Grimes Lane	Morton Street	100' east of Palmer Avenue	South	Any Time

SECTION 7. Section 15.32.100, entitled "Loading zones.", shall be amended by adding the following to Schedule O:

Λ -1 -	1
$\Delta \alpha \alpha$	1

200	Block of South Washington Street from appr Avenue on the east side	oximately 75' to 145' south Ki	rkwood
any peother a withou	ION 8. If any section, sentence or provision of erson or circumstances shall be declared invaligations, sentences, provisions or application out the invalid provision or application, and to ed to be severable.	id, such invalidity shall not affeor this ordinance which can be	ect any of the given effect
appro	ION 9. This ordinance shall be in effect after val of the Mayor, any required publication, an lance with the law.	<u> </u>	
	ED by the Common Council of the City of Bl day of, 2024	•	diana, upon
		ISABEL PIEDMONT-SMITH Bloomington Common Counc	
ATTE	ST:		
	LE BOLDEN, Clerk f Bloomington		
	ENTED by me to the Mayor of the City of Blands day of, 2024.	oomington, Monroe County, In	diana, upon
	LE BOLDEN, Clerk, f Bloomington		
SIGN	ED and APPROVED by me upon this	day of,	2024.
		KERRY THOMSON, Mayor City of Bloomington	

### **SYNOPSIS**

This ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff. The ordinance makes the following changes:

- Replaces stop intersection with signalized intersection at Constitution Avenue and Liberty Drive.
- Replaces pull in angle parking with back in angle parking on Sixth Street between Walnut and Washington Streets.
- Removes the no parking zone on the north side of Atwater Avenue between Park and Faculty Avenues.
- Clarifies and combines all three no parking zones on the north side of Grimes Lane into one line to read as one no parking zone between Morton Street and Woodlawn Avenue.
- Codifies and extends the no parking zone on the south side of Grimes Lane from Morton Street to 100' east of Palmer Avenue.
- Adds a loading zone to a portion of South Washington between Kirkwood Avenue and the alley between Kirkwood Avenue and Fourth Street.

### **MEMORANDUM**

To: Common Council

From: Andrew Cibor, City Engineer; Ryan Robling, Planning Services Manager

Date: April 29, 2024

Re: Proposed Ordinance # 2024-12, to make amendments to Title 15

City staff from the Engineering and Planning and Transportation departments have compiled a number of recommendations for changes to Title 15, the vehicle and traffic section of the Bloomington Municipal Code. Proposed ordinance #2024-12 would make these changes.

The proposed changes will address concerns that have been identified through staff's review of the existing code, public requests, a Monroe County capital project, and recommendations from related commissions. The maps attached will provide a visual representation of these proposed changes.

The ordinance includes the following changes:

- Section 1:
  - Removes stop intersection at Constitution and Liberty.
    - To add a signalized intersection (see Section 2).
- Section 2:
  - Adds one signalized intersection on Constitution Way at Liberty Drive.
    - This is a part of the Monroe County Highway Department Karst Farm Park Trail Extension Project which will connect the multi use path on State Road 45 at Liberty Drive with the to the Karst Trailhead at the railroad crossing at Gifford Road.
- Section 3:
  - Removes pull in angle parking on the south side of Sixth Street from College Avenue to Washington Street.
    - To add back in angle parking (see Section 4).
  - Removes pull in angle parking on the north side of Sixth Street from Walnut Street to Washington Street.
    - To add back in angle parking (see Section 4).
- Section 4:
  - Adds back in angle parking on Sixth Street from Walnut Street to Washington Street.
    - To improve the safety on the street for all users and take advantage of the resurfacing project on 6<sup>th</sup> Street.
- Section 5:
  - Removes no parking zone on both sides of Atwater Avenue between Third Street

and High Street.

- To add no parking zone on the south side of Atwater Avenue between Third Street and High Street and certain sections of the north side of Atwater Avenue between Third Street and High Street (see Section 6).
- Removes no parking zones on the north side of Grimes Lane.
  - To combine line items into one no parking zone on the north side of Grimes Lane between Morton Street and Woodlawn Avenue (see Section 6).

#### • Section 6:

- Adds no parking zone on the south side of Atwater Avenue between Third Street and High Street.
  - To allow some on-street parking only on the north side of Atwater Avenue between Third Street and High Street.
- Adds no parking zones to sections of the north side of Atwater Avenue between Third Street and High Street.
  - To convert sections of exclusive turn lanes (eastbound turn lanes for Woodlawn Ave and Faculty Ave intersections) into on-street parking.
- Adds no parking zone on the north side of Grimes Lane between Morton Street and Woodlawn Avenue.
  - These are corrections, as the current restrictions were incorrectly included in the "no parking zone" section of Title 15.
- Adds no parking zone on the south side of Grimes Lane between Morton Street and 100' east of Palmer Avenue.
  - To codify the existing 'no parking' signs on the south side of Grimes Lane between Morton Street and Palmer Avenue, and to extend the no parking zone to 100' east of Palmer Avenue.

### • Section 7:

- Adds a loading zone to a portion of South Washington between Kirkwood Avenue and the alley between Kirkwood Avenue and Fourth Street.
  - To allow space for loading and unloading of vehicles on Washington Street adjacent to a proposed hotel development.

The anticipated fiscal impact of these proposed changes is minimal. Generally, anticipated expenditures to add or remove signs, poles, etc. related to the Title 15 changes proposed, are covered by the City's annual operating budget or are a part of the Monroe County Highway Department funded capital project.



# TRAFFIC COMMISSION STAFF REPORT Case #: TC-24-01 Date: January 2024

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

**REGARDING:** Karst Farm Connector Trail Project

### **Description and Purpose:**

Please see included memo from Paul Satterly, Monroe County Highway Engineer.

### Title 15 Changes:

Section 15.12.030, entitled "Signalized intersections." shall be amended by adding the following from Schedule D(1):

### Add

Cross Street	Cross Street
Constitution Avenue	Liberty Drive

**Recommendation:** Staff recommends that Traffic Commission forward the Title 15 changes to Council with a positive recommendation.



# MONROE COUNTY HIGHWAY DEPARTMENT

5900 W. FOSTER CURRY DRIVE
BLOOMINGTON, INDIANA 47403
PHONE: (812) 349-2555 FAX: (812) 349-2959
www.co.monroe.in.us

December 28, 2023

Andrew Cibor, P.E.
City Engineer
Engineering Department
Bloomington City Hall
401 N. Morton Street
Bloomington, Indiana 47404

Dear Mr. Cibor,

Monroe County is leading the design for the Karst Farm Connector Trail project. This project is federally funded through the MPO and involves both the County and the City. The letting is scheduled for January 18, 2024 and the project will be constructed in 2024.

The trail will start at the existing Karst Farm Greenway near the Gifford Road trail crossing, will run straight east along an existing farm field, continue east along the north side of the Lamplighter Mall trailer park, cross Curry Pike at Constitution Avenue, run along the north side of Constitution Avenue, and then run south along the east side of Liberty Drive to connect with the Bloomfield Trail at Bloomfield Road/SR 45. The trail on the east end of Constitution Avenue and on Liberty Drive will be within City limits.

The trail project will include the installation of two traffic signals to accommodate trail users and to improve the safety and level of service at these intersections. One signal will be located at the intersection of Curry Pike and Constitution Avenue and the other signal will be located at the intersection of Liberty Drive and Constitution Avenue. The Curry Pike traffic signal will be maintained by the County and the Liberty Drive traffic signal will be maintained by the City.

A traffic signal and turn lane warrant analysis was performed. The August 13, 2021 report determined that a traffic signal and a northbound left turn lane were warranted for the intersection of Liberty Drive and Constitution Avenue.

As attachments, we have included the traffic signal plan details, the plan and profile drawings of the trail within the City and the Traffic Analysis Memo with attachments.

The traffic signal will need to be approved by the Bloomington Traffic Commission. Please add this traffic signal to the January 24, 2024 Traffic Commission meeting agenda.

Please call me if you have any questions about this project, 812-349-2554.

Sincerely,

Paul B. Satterly

Monroe County Highway Engineer

Attachments

cc: Lisa Ridge, Monroe County Highway Director



Case #: PC-24-01

Date: April 2024

# PARKING COMMISSION STAFF REPORT

FROM: Karina Pazos, Long Range Planner, Planning and Transportation Department

**REGARDING:** 6<sup>th</sup> Street (from Walnut to Washington) Angled Parking

### **Description and Purpose:**

Between 2018 and 2022 there were eight crashes identified as "backing crashes" with the primary factor being "unsafe backing" on 6<sup>th</sup> Street between Walnut and Washington streets, and is the most commonly occurring crash in this section of 6<sup>th</sup> Street. Replacing front-in angle parking with back-in angle parking can improve the safety on the street for all users, and the Department of Public Works will be completing a resurfacing project on 6<sup>th</sup> Street, so this is a good time to implement the change.

There are currently 41 front-in angled parking spaces on both sides of 6<sup>th</sup> Street between Walnut and Washington streets. We are proposing to convert all 41 parking spaces into back-in angled parking to improve visibility of the traffic into which the driver is entering when exiting an angled parking space because when exiting the back-in angle parking space, a driver is facing the street and able to see on-coming traffic. Back-in angle parking is similar to parallel parking because both allow a driver to back into the parking space slowly.

Improving visibility and driving slowly are important components of back-in angle parking that help reduce the potential for collisions. Additionally, when a car is parked in a back-in angle parking space, the orientation of open car doors helps to direct children onto the sidewalk instead of into the street when exiting the vehicle, and back-in angle parking allows safer access to the vehicle's trunk – from the sidewalk instead of the street.

Please see the included exhibit of the proposed changes provided by the Engineering Department.

### **Title 15 Changes:**

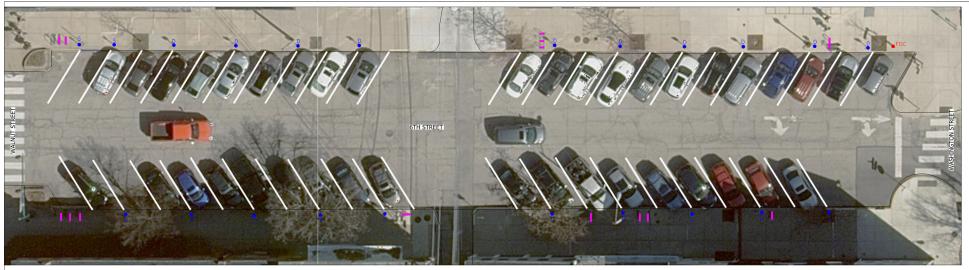
Section 15.32.010, entitled "Angle Parking," shall be amended by adding the following to Schedule L:

#### Add

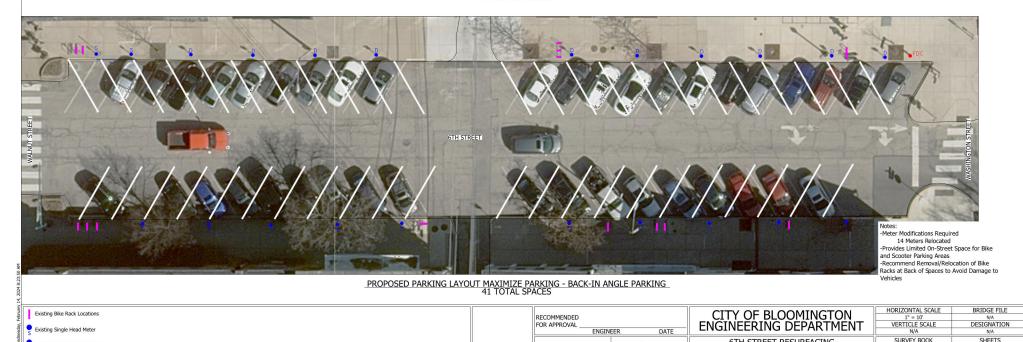
Street	From	То	Side of Street	Angle Type
Sixth Street	Walnut Street	350' W. of Washington Street	North/South	Back In



<u>Recommendation:</u> Staff recommends that Parking Commission forward the Title 15 changes to Council with a positive recommendation.



EXISTING PARKING LAYOUT - FRONT-IN ANGLE PARKING 41 TOTAL SPACES



FILE: 6THST\_RESURFACING\_PARKING\_EXHIBIT\_01.DWG

Existing Single Head Meter

Existing Double Head Meter

DESIGNED: XXX

CHECKED: XXX

ENGINEER

DRAWN: XXX

CHECKED: XXX

DATE

6TH STREET RESURFACING WALNUT TO WASHINGTON PARKING UPDATE MAXIMIZE PARKING SPACES

SHEETS

XX | of | XX

PROJECT

6TH STREET RESURFACE

SURVEY BOOK

N/A CONTRACT N/A



Case #: PC-24-02

Date: April 2024

# PARKING COMMISSION STAFF REPORT

FROM: Karina Pazos, Long Range Planner, Planning and Transportation Department

**REGARDING:** Atwater Avenue (from Woodlawn to Faculty) Turn Lane and Parking

### **Description and Purpose:**

Currently, there are left turn lanes on the north side of Atwater in the blocks between Park and Faculty Avenues. The turn lane pavement markings start approximately 207 feet west of the Atwater/Woodlawn intersection, and 122 feet west of the Atwater/Faculty intersection. A request to add on-street parking on the north side of Atwater between Woodlawn and Faculty Avenues was discussed at the Parking Commission in recent years but nothing has been codified.

Staff is bringing this request back to the Parking Commission but this time including the addition of on-street parking on the north side of Atwater between Park and Woodlawn Avenues. These two blocks, between Park and Faculty, are the only stretches of Atwater that have two travel lanes plus a left turn lane. While it is unclear if adding on-street parking at this location would help decrease driving speeds due to the turn lane width being wider than a typical on-street parking lane, the addition of on-street parking would add approximately 10 park mobile spaces between Park and Woodlawn, and 15 park mobile spaces between Woodlawn and Faculty.

If this moves forward, Engineering Department staff will have more details with regards turn bays and parking spaces.

### Title 15 Changes:

Section 15.32.080, entitled "No Parking Zones," shall be amended by adding the following to Schedule M:

### Delete

Street	From	To	Side of Street	Time of Restriction
Atwater Avenue	Third Street	High Street	North/South	Any time

Section 15.32.080, entitled "No Parking Zones," shall be amended by adding the following to Schedule M:

Add



Street	From	То	Side of Street	Time of Restriction
Atwater Avenue	Third Street	High Street	South	Any time
Atwater Avenue	Third Street	Approx. 120' east of Park Avenue	North	Any time
Atwater Avenue	Approx. 45' west of Faculty Avenue	High Street	North	Any time

**Recommendation:** Staff recommends that Parking Commission forward the Title 15 changes to Council with a positive recommendation.





# PARKING COMMISSION STAFF REPORT

FROM: Driss Tahir, Engineering Technician

**REQUEST:** 'No Parking' sign on the south side of Grimes Lane 100' feet east of Palmer Avenue

Case #: PC-24-03

**Date:** April 26, 2024

**Location**: 1201 S Palmer Avenue

<u>Description and Purpose:</u> This item originated with a concern from a resident stating that it is difficult to cross Grimes Ln at Palmer Ave as a pedestrian due to limited visibility caused by vehicles parked on the south side of Grimes Ln. While evaluating the intersection, staff verified a sight distance limitation due to on-street parking east of Palmer Ave on the south side of Grimes Ln.

The image below illustrates the desired sight distance for a northbound vehicle on Palmer Ave looking to the east for a westbound vehicle on Grimes Ln. Evaluation dimensions are based on standard engineering practices and assumptions, but are not labeled in the image in order to improve clarity. One parked vehicle is drawn on the south side of Grimes Ln in an area where occasional parking occurs (the red vehicle in the aerial image).



Figure 1 – Sight Distance Evaluation

Figure 2 - Parked Vehicle Limiting Sight Distance



(Street view showing a vehicle obstructing the visibility of the traffic traveling northbound of Palmer Ave)

Figure 3 - Proposed Update with New No Parking Sign



Proposed update – no parking sign restrictions next to the driveway of 1201 S Palmer Ave

The evaluation shown above is based on improving sight distance for motor vehicle drivers. However, this update would also be beneficial to improve visibility for pedestrians, some of whom walk north on Palmer Ave and cross at this intersection. At least one pedestrian that does this movement uses an electric mobility device. For users like this, they may be positioned lower than other users which can also limit visibility. In this location a sign must be installed because

there are no curbs present that could be painted yellow. Installation of 'no parking' signs require an update to code. (Adding a 'no Parking' sign R7-1 with a left-pointing horizontal red arrow is shown in Figure 3) next to the driveway of 1201 S Palmer Ave, approximately 100' east of Palmer Ave.

While completing the evaluation of sight distance on Grimes Ln at Palmer Ave, it was discovered that some. 'No Parking' signs already exist on both the north and south side of Grimes Ln between Rogers St and Palmer Ave, likely because the road is narrower in that section. Despite the presence of these signs, the associated parking restriction on the south side of the road is not currently listed in City Code.

A Washington St. S. Vashington St. S. Vashington

Figure 4 – Existing No Parking Signs on south side of Grimes Lane

### **Title 15 Changes:**

In order for the no parking restriction to be implemented in the vicinity of the Palmer Ave intersection and for the existing no parking restriction that exists on the south side of Grimes Ln west of Palmer Ave to be reflected in City Code, Section 15.32.080, Schedule M "No Parking Zones" would need to be edited with the following changes

Section 15.32.080, entitled "No Parking Zones," shall be amended by adding the following to Schedule M:

### <u>Delete</u>

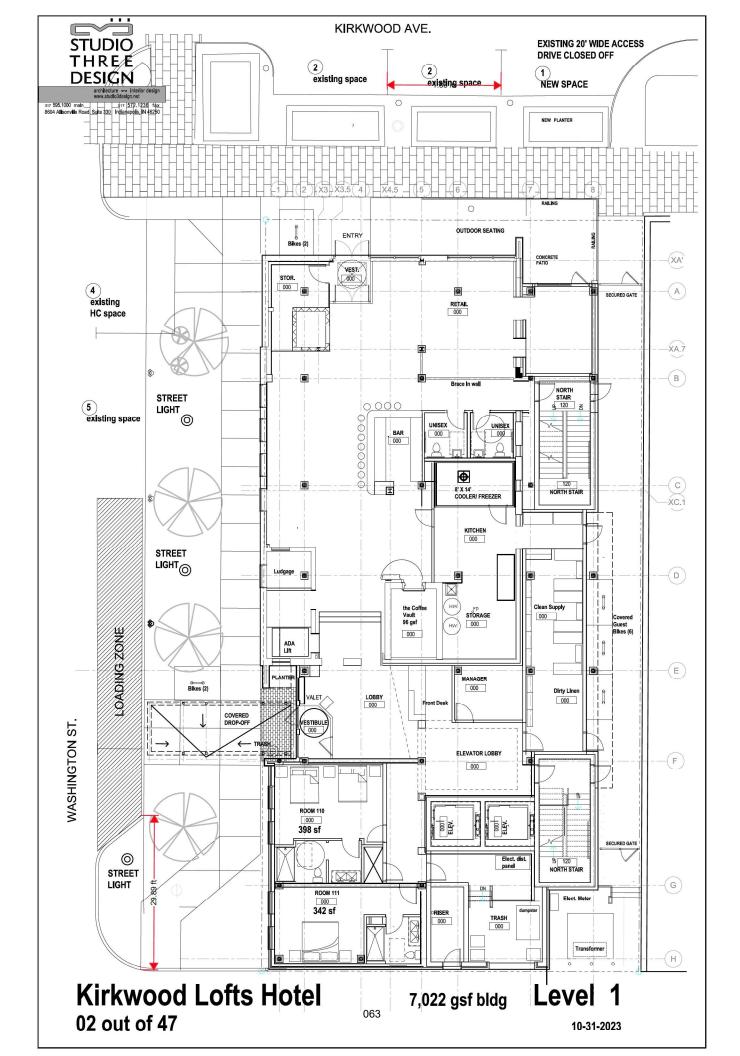
Street	From	То	Side of Street	Time of Restriction
Grimes Lane	Palmer Avenue	Henderson	North	Any Time
		Street		
Grimes Lane	Rogers Street	Palmer	North	Any Time
		Avenue		
Grimes Lane	Woodlawn	100' East of	South	Any Time
	Avenue	Henderson		-
		Street		
Grimes Lane	Woodlawn	Henderson	North	Any Time
	Avenue	Street		-

### <u>Add</u>

Street	From	То	Side of Street	Time of Restriction
Grimes Lane	Rogers Street	Woodlawn Avenue	North	Any Time
Grimes Lane	Rogers Street	100' East of Palmer Avenue	South	Any Time

### **Recommendation:**

Staff recommends that the Parking Commission forward the Title 15 changes to Council with a positive recommendation.



### Insert for Ordinance 2024-07 –

To Amend the City of Bloomington Zoning Maps By Rezoning a 138.51 Acre Property from Planned Unit Development (PUD) and Residential Medium Lot (R2) to Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan - Re: S. Weimer Road (Sudbury Partners LLC, Petitioner)

Due to file size, the materials for this item of legislation are posted as a separate <u>Packet</u> on the City Council's <u>Meeting Documents webpage</u>.

### MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Administrator/Attorney for Common Council

**Date:** May 10, 2024

**Re:** Resolution 2024-12 – Resolution on Budgeting Excellence and Strategic

Transformation

### **Synopsis**

This resolution is sponsored by Councilmember Asare. It encourages the Mayor and Controller to commit to improving the city's budgeting process by working towards incorporating a budgeting framework more reflective of a budgeting for outcomes model. This approach should include strategic practices focused on community engagement, clear prioritization of goals, and evidence-based allocation of resources based on those goals. Instead of starting from last year's spending and adjusting allocations, the new model should start with what results the city government would like to prioritize.

#### **Relevant Materials**

- <u>Resolution 2024-12</u>
- Baltimore Case Study on Outcome Budgeting

### **Summary**

This resolution would do four things: (1) express that the Council would work with the Mayor to create a task force on the budgeting process tasked with recommending improvements to the City's municipal budget process; (2) ask key players in the municipal budget process to implement the recommendations of this task force and possibly implement an outcome-based budgeting model by fiscal year 2026; (3) encourage City Departments to initiate pilot projects for specific community outcomes in fiscal year 2025; and (4) encourage the Mayor and Controller to implement training on strategic budgeting practices and engage with other cities that have used an outcome-based budget model. The sponsor does not expect that this resolution alone would have a fiscal impact on the city.

An outcome-based budget model has been used in other municipalities, as noted in the resolution. Baltimore, MD defines outcome budgeting as "a budget process that aligns resources with results." The City of Fort Collins defines it as a process "designed to put community priorities first, rather than simply funding departments." To that end, outcome-based budgets are organized around priority outcomes and goals for the City's next fiscal year rather than using the previous years' spending as the starting point for departmental budget increases or decreases.

Cities that use this model develop a short list of key outcome areas that the community wants the city to achieve, like Safe Community, Environmental Sustainability, Transportation & Mobility, High Performing Government, Culture & Recreation, etc. Instead of simply paying for operating costs of city government, the outcome-based budgeting process prioritizes "buying" specific programs, services, or initiatives in line with those key outcome areas in order to achieve those results.

#### Contact

Councilmember Isak Asare, isak.asare@bloomington.in.gov, (812) 349-3409

### **RESOLUTION 2024-12**

### RESOLUTION ON BUDGETING EXCELLENCE AND STRATEGIC **TRANSFORMATION**

- WHEREAS, the City of Bloomington is committed to advancing the efficiency, transparency, and responsiveness of its budgeting process to better serve the community's needs; and
- WHEREAS, programmatic budgeting processes typically adopted by the city result in incremental shifts in financial allocations based on how money was spent in the prior year, rather than on the collective goals of the city government as a whole; and
- WHEREAS, Bloomington's Mayor has appropriately emphasized the need for more transparency and creating a more accessible city government that works for the residents of Bloomington; and
- WHEREAS, advocates for the "budgeting for outcomes process" claim that it can lead to more informed decision-making, better alignment with community priorities, increased transparency and enhanced public trust in government operations when implemented in ways reflective of local context<sup>1</sup>; and
- outcome-based budgeting has been adopted by cities of all sizes across the United WHEREAS, States, such as Fort Collins, Colorado<sup>2</sup>; Bend, Oregon<sup>3</sup>; Redmond, Washington<sup>4</sup>; and Palo Alto, California<sup>5</sup>; and
- the method may be effective in aligning municipal resources with community WHEREAS, priorities<sup>6</sup>, which if adopted could enhance Bloomington's fiscal strategy and transparency;

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

SECTION 1: The Council will work with the Office of the Mayor to establish a Task Force on the Budgeting Process, consisting of council members and city staff. This Task Force will be charged with exploring and recommending improvements to Bloomington's budgeting processes, ensuring that the city employs the most effective, transparent, and community-aligned budgeting practices available.

SECTION 2: The Council will work with the Office of the Mayor and City Controller to develop a framework for implementing the recommendations of the Task Force on Budgeting Processes, including the possibility of implementing outcome-based budgeting or a hybrid approach within the City of Bloomington by the time the budget is being developed for budget year 2026. This framework should outline the process for transitioning to this budgeting model, including feasibility, timelines, necessary changes to municipal code, accounting technology, stakeholder engagement strategies, and needed resources.

SECTION 3: The Council encourages all departments of the Bloomington City government to initiate projects for specific community outcomes in FY2025. These pilots will serve as a test and refinement phase for the outcome-based budgeting process, providing valuable insights for broader implementation.

<sup>&</sup>lt;sup>1</sup> Hoque, Zahirul, ed. Public Sector Reform and Performance Management in Developed Economies: Outcomes-Based Approaches in Practice. Routledge, 2021.

<sup>&</sup>lt;sup>2</sup>"Budgeting for Outcomes" City of Fort Collins <a href="https://www.fcgov.com/bfo/">https://www.fcgov.com/bfo/</a>

<sup>&</sup>lt;sup>3</sup> "How the Budget Works" City of Bend Oregon

https://www.bendoregon.gov/government/departments/finance/budget

4 "Budgeting Priorities" City of Redmond Washington https://www.redmond.gov/988/Budget-Priorities

<sup>&</sup>lt;sup>5</sup> "City Budget" City of Palo Alto <a href="https://www.cityofpaloalto.org/Departments/Administrative-Services/City-Budget">https://www.cityofpaloalto.org/Departments/Administrative-Services/City-Budget</a> <sup>6</sup>See Mauro, Sara Giovanna, Lino Cinquini, and Giuseppe Grossi. "Insights into performance-based budgeting in the public sector: a literature review and a research agenda." *Public Budgeting in Search for an Identity* (2020): 7-27 and Blazely, Andrew. *OECD Best Practices for Performance Budgeting*. Working paper GOV/PGC/SBO (2018) 7, Working Party of Senior Government Officials, Organisation for Economic Co-operation and Development, Paris, France. https://one.oecd.org/document/GOV/PGC/SBO(2018)7/en/pdf, 2018.

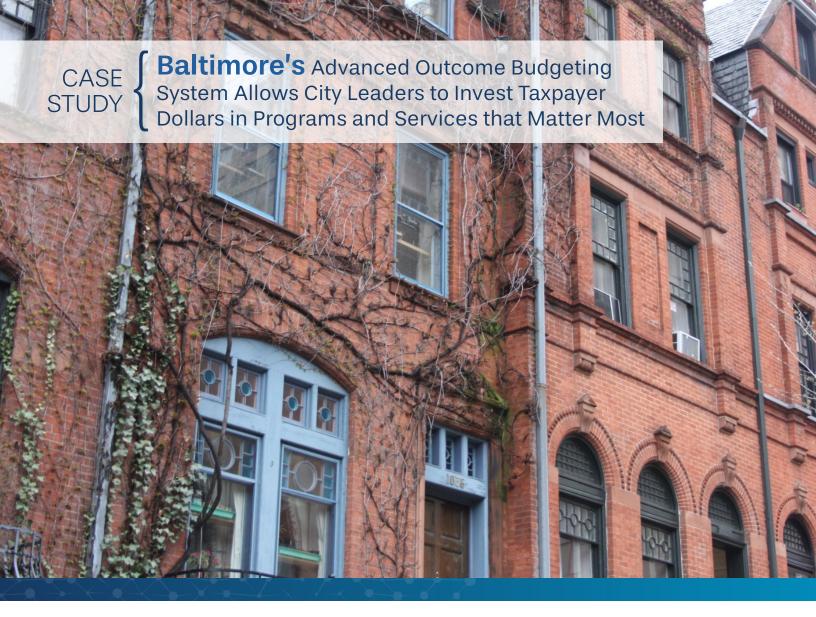
SECTION 4: The Council encourages the Mayor and Controller to ensure city staff and officials receive training on strategic budgeting practices including outcome-based budgeting.

SECTION 5: The Council encourages the Mayor and Controller to engage with cities that have successfully adopted outcome-based budgeting, such as Palo Alto, Redmond, Fort Collins, Bend, and Boulder. Learning from their experiences and adopted best practices will inform and enhance Bloomington's potential implementation strategy.

PASSED AND ADOPTED by the Common C		oe .
County, Indiana, upon this day of	, 2024.	
	ISABEL PIEDMONT-SMITH, Pres	sident
	<b>Bloomington Common Council</b>	
A TOTAL COTA		
ATTEST:		
NICOLE BOLDEN, Clerk		
City of Bloomington		
PRESENTED by me to the Mayor of the City	of Plaamington Manroe County Indiana	unon
this day of		upon
uns uay or		
NICOLE BOLDEN CL. I		
NICOLE BOLDEN, Clerk City of Bloomington		
City of Bloomington		
SIGNED and APPROVED by me upon this _	day of	_, 2024.
	KERRY THOMSON, Mayor	
	City of Bloomington	

### **SYNOPSIS**

This resolution is sponsored by Councilmember Asare. It encourages the Mayor and Controller to commit to improving the city's budgeting process by working towards incorporating a budgeting framework more reflective of a budgeting for outcomes model. This approach should include strategic practices focused on community engagement, clear prioritization of goals, and evidence-based allocation of resources based on those goals. Instead of starting from last year's spending and adjusting allocations, the new model should start with what results the city government would like to prioritize.





January 5, 2018

**THE CHALLENGE:** For generations, Baltimore's city budget—like that of most local governments—made it hard to determine which services and programs were moving the needle on outcomes that matter most to residents. Facing severe budget constraints, the City needed a better way to make funding decisions.

**THE APPROACH:** The City of Baltimore developed an advanced <u>outcome</u> <u>budgeting</u> system in 2010 to focus resources on the most effective and promising services and programs to meet the City's priority needs, based on performance data and evidence of impact.

THE RESULTS: Baltimore's ground-breaking outcome budgeting system has led to innovative service delivery mechanisms and a cultural shift within local agencies. Greater use of data and evidence across the City of Baltimore has generated improved outcomes for residents in many of the top city priorities. Baltimore's budgeting system is now serving as the exemplar model for nine local governments across the country. These governments are learning from Baltimore how to implement program elements into their budgets.

### INTRODUCTION

Since 2010, the City of Baltimore has used outcome budgeting to shed light on the impact of city investments and direct local taxpayer dollars towards results-driven and evidencebased solutions. This annual budget process, which is led by Andrew Kleine, former Baltimore Budget Director and former Results for America (RFA) Local Government Fellow, in partnership with his staff of budget analysts, the Mayor and her leadership team, and a broad range of local government agency staff and engaged residents, allows Baltimore City government to make the best use of its limited financial resources by aligning city priorities with effective and promising strategies.

### THE CHALLENGE

In 2008, cities across the United States, including Baltimore, were facing difficult budget decisions due to the emerging Great Recession. City leaders quickly realized that they would not have enough resources to meet all of the City's needs with decreased tax revenue projections. However, they also recognized that during a recession, residents' needs for city services would likely increase, particularly in areas such as employment and public health. Previous annual budgets had relied on across-the-board increases or decreases in agency spending, which were arbitrary and often punished highvalue programs and services that focused on areas such as youth violence prevention and

With the right ownership from city leaders, there's tremendous power in this [budget] solution.

> ANDREW KLEINE Former Baltimore **Budget Director**

afterschool programming while simultaneously protecting less effective programs. Then-Baltimore Mayor Shelia Dixon was frustrated by the budget process which focused on marginal annual adjustments rather than structural changes to the base budget. There was both a desire and a need to make the best use of the city resources available moving forward.

### THE APPROACH

After learning from the experiences of Washington State's budget transformation to outcome budgeting in the early 2000s, former Baltimore Budget Director Kleine presented that budgeting approach to then-Baltimore Mayor Shelia Dixon. Together with mayoral staff and the City's Finance Director, they concluded that the most rational and defensible system for making hard budget choices would be to focus funding decisions on supporting the programs and services that were delivering, or had the potential to deliver, the best results for the highest priority resident outcomes. During one of the

## What is Outcome Budgeting?1

Baltimore defines outcome budgeting as a budget process that aligns resources with results. Under this process, the budget is organized around the City's priority outcomes—the results that matter most

to citizens—and funds are allocated for those services that will achieve the desired outcomes. Traditional budgeting is organized around city agencies and uses the previous year's spending as the starting point for any agency budget increase or decrease.

### THE APPROACH (CONTINUED)

most challenging budget years in generations, fiscal year 2011, Baltimore embraced outcome budgeting and embedded performance data and evidence of impact into its budget process. The transition to an outcome-based budget was a fundamental shift away from an agency-centric process—used by most local governments across the country—to one that is focused on delivering results to the City's highest priority outcomes.

Since the shift, each year the City undertakes a multi-step process to create an accurate and clear vision for how city funds should be allocated to achieve the best results for the highest priority outcomes.

# Baltimore's outcome budget process requires the following steps:

 First, the mayor and her/his cabinet establish city priorities which are based on input from the <u>citizen community survey</u>, regular public outreach, and research on challenges facing residents. Baltimore's community survey, based on a representative sample of residents, identifies trends in behavior and attitudes regarding quality of life indicators and city services.

The most recent Baltimore City government <u>priorities</u> listed in the fiscal year 2018 budget include:

- · Thriving Youth and Families
- · Safe Neighborhoods
- · Healthy Communities
- Vibrant Economy
- · Sustainable Infrastructure
- · High Performing Government
- Next, during the fall of that year, the mayor and leadership team determine total spending amounts for each of the outcome categories for the upcoming fiscal year. To facilitate difficult conversations about how

I want our city to be an international leader when it comes to innovation and developing best practices in the delivery of services to our residents.

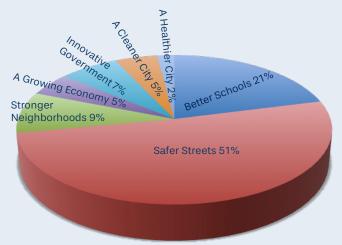
 CATHERINE PUGH Mayor of Baltimore



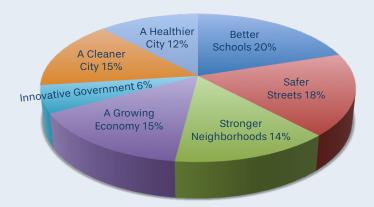
to allocate finite resources, the Baltimore budget team implemented a simple game using Monopoly™ board game money to help city leadership determine financial priorities. By beginning with the question, "How would you allocate funding in a perfect world?," city leadership is able to identify how their goals differ from actual financial allocations. As a result, this approach has allowed Baltimore to highlight the differences between actual and desired spending, and shift some funding from public safety to other priority outcomes.

### **OUTCOME ALLOCATIONS**

Fiscal Year 2016 Actuals vs. Senior Staff Preference Developed During Monopoly™ Money Exercise







### **Senior Staff Preference**

SOURCE: BALTIMORE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH

### THE APPROACH (CONTINUED)

- 3. Once each outcome priority has been assigned a total spending amount, in September of that year the City forms annual Results Teams to develop guidance documents, known as Requests for Results, which outline key indicators and effective strategies to achieve desired results and help shape budget proposals for each priority outcome. Results Teams are interdisciplinary teams composed of roughly eight members who apply to participate and include a crosssection of City department staff, a mayoral representative, budget and performance staff, and two citizen members. Results Teams issue guidance for all proposals in October of that year.
- 4. City agencies then have until early December of that year to use the guidance documents provided by the Results Teams and spending parameters set by the mayor to draft and submit their proposals to the Results Team for which services will help achieve a given priority outcome. Proposals for any outcome can come from any department. They can also

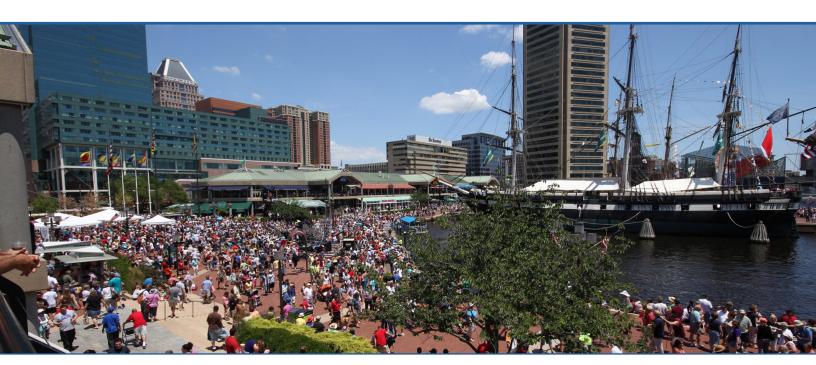
- be jointly developed by multiple departments, or one department can propose to take over services from another. All proposals are submitted to the Results Team for the relevant priority outcome for review and input.
- 5. The Results Teams meet with each agency to discuss their proposals, request additional information, and ultimately, rank all requests for a given priority outcome by the end of March. After solidifying the rankings, each Results Team drafts a memo and meets with the mayor to recommend services and funding for each priority outcome.
- 6. Next, the Baltimore Bureau of the Budget and Management Research compiles all recommendations and presents a balanced budget to the mayor and leadership team who then make final decisions in February about the mayor's proposed budget to City Council.
- 7. Finally, throughout April, May, and June, the Board of Estimates and then City Council holds hearings on the proposed budget and votes to approve or modify.

### TIPS FOR REPLICATION

- Get Ready for a Fundamental Shift: Outcome budgeting shifts the attention from agencies to outcomes and results. One big benefit of this approach is how it opens up the black box of the base budget and allows government to prioritize spending based on desired outcomes. Shedding light on spending and impact is at the heart of a well-managed government. Yet, most governments budget and manage by agency and may bristle at a new approach.
- Leaders Need to "Own It": Mayoral buy-in and participation is crucial, but to achieve the full potential of outcome budgeting, the mayor and her/his leadership team needs to own the process and make all major budget decisions through this framework in order for it to become the new normal.
- Create an Environment for Collaboration:
   Previously, it was uncommon for Baltimore agency fiscal and program staff to work together to develop budget proposals or ways to improve operations. Outcome budgeting creates opportunities for conversation and collaboration both within and across departments in order to propose a new, more effective way of delivering services.

- Seek Strategies to Prevent Burnout:

  There is an inherent level of burnout with a collaborative-heavy, multi-step, annual outcome budget process. One way to alleviate burnout and sustain longevity is to shift to a biennial budget process. Also, to keep city leadership engaged, consider linking budgeting to the strategic plan and performance measurement, introduce innovation funds to spur new ideas from within agencies, and use the concept of lean government<sup>2</sup> to improve business processes that tie back to budget and performance.
- Communication is Key: Agency leadership may hesitate to tie funding to performance for fear of losing funding. Reduce hesitation by communicating how agencies can keep or increase funding if they show that their services are a high-priority and have an improvement plan backed by evidence.
- Provide Opportunities for New Leaders to
   Emerge: The Results Team structure has identified promising young professionals who have acquired extensive agency knowledge, made connections, and enhanced collaboration through their involvement with the budget process.
   Currently, over 150 applications are received each year for Results Team members and the City now uses this process to recognize new talent.



# BALTIMORE'S OUTCOME BUDGET PROCESS<sup>3</sup>

OLD WAY	NEW WAY		
Starting Point: Last Year's Spending	<b>Starting Point:</b> Next Year's Goals		
Funding Targets: By Agency	<b>Funding Targets:</b> By Priority Outcome		
Agency Submission: How Allocation will be Spent	Agency Submission: Proposal to Achieve Results		
<b>Debate:</b> What to Cut	<b>Debate:</b> What to Keep		

SOURCE: BALTIMORE BUREAU OF THE BUDGET AND MANAGEMENT RESEARCH

# THE RESULTS<sup>4</sup>

Outcome budgeting has enabled Baltimore to enhance effective and high-priority services during difficult budget years including: maternal and child health, afterschool programs, and the Emerging Technology Center business incubator. Rather than cut these high-need services, Baltimore has focused on the results they want to achieve. For example, through its continued investments in home visiting services for at-risk expectant mothers, Baltimore has experienced a significant drop in infant mortality, from 13.5 to 8.4 deaths of children less than one year of age per 1,000 live births between 2009 to 2015. In its efforts to increase the tree canopy in Baltimore, the city has invested additional funds and services in proactive pruning. As a result, the percentage of trees that remain healthy after two years of planting has increased from 72% in fiscal year 2013 to 94% in fiscal year 2016.

Outcome budgeting has also helped identify low-performing programs without an improvement plan such as a program designed to mentor children of prisoners and a program to help neighborhoods with development projects that were well-intentioned but ineffective.

Shining a light on these issues empowers the City to provide additional support and funding, where warranted, or cut unnecessary spending.

Focusing on results creates opportunities for innovation and efficiency. For example, city agencies are invited to propose the takeover of another agency's service to the appropriate Results Team, if they can make the case that they can deliver that service more effectively and efficiently. For example, the Housing Department now administers burglar alarm registration that was once managed by the Police Department. The year after taking over the service, revenue nearly doubled from \$330,000 to \$620,000. In addition, the Baltimore Office of Human Services took over and consolidated under-performing child care centers. By leveraging Head Start, they provided summer learning for 1,100 additional youth.

As a result of outcome budgeting, Baltimore has accomplished numerous efficiencies and improvements including:

 An innovative collaboration between the Baltimore Fire and Health departments assigns nurses to frequent 911 callers to address root causes, which has reduced their calls by 50%.

## THE RESULTS (CONTINUED)

- Shifting the rat control service from a small office in the Baltimore Health Department to Baltimore's Public Works, street and alley cleaning crews in fiscal year 2011 reduced costs by 42% while increasing rat baiting from 37,000 in fiscal year 2010 to 94,000 in fiscal year 2013. Rat baiting has since reduced dramatically to 27,000 in fiscal year 2016, as the number of identified burrows on public property and service requests have declined.
- The Baltimore Department of General Services increased preventive building maintenance from 6% of its work to 46% in two years, in part by outfitting a van to more efficiently manage government facilities in the outer reaches of the City.
- The Baltimore Office of Civil Rights achieved a 40% increase in negotiated settlement of discrimination complaints by improving employee training and shedding non-core functions that interfered with achieving the Office's mission.

Outcome budgeting enables the City to prioritize spending and ensure it is working towards delivering results on the City's highest priority outcomes. City Council members increasingly ask about outcomes rather than budget information, signaling a cultural shift towards using data and evidence in decision-making. As a testament to the value of Baltimore's budgeting system, it has been sustained across three Mayors—Mayor Sheila Dixon, Mayor Stephanie Rawlings-Blake and now Mayor Catherine Pugh. Over time, enhancements have also been made, better linking outcome budgeting to CitiStat and developing an OutcomeStat process to more fully align budgeting, performance management, and strategic planning across the government.

Baltimore is a leader in investing city resources in services and programs that deliver outcomes for residents. Since outcome budgeting began, Baltimore has improved outcomes in most priority areas:

- Infant mortality rates dropped 38% between 2009 and 2015;
- Property crime decreased 2.2% between 2011 and 2016;
- The employment rate for 16-64 year olds increased 11.6% from 2010 and 2015;
- The number of jobs in Baltimore increased 6.2% between 2010 and 2016;
- 23% more people are reportedly walking and 40% more people are reportedly biking between 2009 and 2015;
- Watershed bacteria levels are down 70% between 2011 and 2016; and
- Usage of recreational facilities increased 89% between 2011 and 2016.

In an ongoing effort to mimic Baltimore's budgeting success, cities and counties across the country are learning from Baltimore staff how to create outcome budgeting in their government including Atlanta, Dallas, Houston Madison, Montgomery County (MD), Los Angeles, Philadelphia, Seattle, and Tulsa. Through the increased use of data and evidence in the budgeting process, these local governments are expected to experience greater success in service delivery and program outcomes, ultimately improving the well-being of their residents.



# ABOUT RESULTS FOR AMERICA'S LOCAL GOVERNMENT FELLOWSHIP PROGRAM

Results for America's Local Government Fellows program was founded in September 2014 to provide an advanced group of local government leaders in diverse and influential cities and counties across the country the knowledge and support to implement strategies that consistently use data and evidence to drive policy and budget decisions on major policy challenges.

With the support and guidance of Results for America, the Local Government Fellows lead their governments toward advanced stages of data-driven and evidence-based policymaking in order to address major policy challenges in their communities. The 16 cities and counties represented in the Fellowship collectively represent more than 28 million people and \$148 billion in local government spending.

Due to involvement with the Results for America Local Government Fellowship, Baltimore is currently collaborating with researchers to evaluate program effectiveness in a number of high priority policy areas including youth homelessness, recycling, and employment. The results from these evaluations will build evidence for service delivery strategies, future budget proposals for priority outcomes, and help the City better understand their impact on the lives of residents.

#### RFA engages its Local Government Fellows in:

- Defining short- and long-term policy goals;
- Developing research partnerships with academics;
- Sharing best practices and demonstration projects;
- Problem solving among peers;
- Receiving individual feedback and coaching; and
- Participating in a national network and peer cohort.

#### **ACKNOWLEDGEMENTS**

Results for America would like to thank Baltimore Mayor Catherine Pugh for investing in the use of data and evidence to improve government services, as well as The Baltimore Bureau of Budget and Management Research Team for their assistance in developing this case study:

- Andrew Kleine, former Budget Director
- Bob Cenname, Budget Director
- Jessica Clarke, Budget Management Analyst
- Jonathan Morancy, Senior Program Assessment Analyst
- Kirsten C. Silveira, Government Innovation Analyst
- Matt Rappaport, Budget Management Analyst
- · Mira Green, Senior Budget Management Analyst
- · Philip Gear, Budget Management Analyst
- · Tony Scott, Budget Management Analyst

# ADDITIONAL RESOURCES

- See Baltimore budget details at <a href="https://bbmr.baltimorecity.gov/budget-publications">https://bbmr.baltimorecity.gov/budget-publications</a>
- Results for America and The Bridgespan Group's report, "Geek Cities: How Smarter Use of Data and Evidence Can Improve Lives" (November 2013)
- Listen to Andrew Kleine talk about outcome budgeting in this Gov Innovator podcast: <a href="http://govinnovator.com/andrew-kleine/">http://govinnovator.com/andrew-kleine/</a> (April 23, 2012)
- Baltimore's switch to outcome budgeting was inspired by, "The Price of Government: Getting the Results We Need in an Age of Permanent Fiscal Crisis" by David Osborne and Peter Hutchinson
- Learn more about Results for America's Local Government Fellowship at <a href="http://results4america.org">http://results4america.org</a>

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#### REFERENCES

- "Outcome Budgeting." Bureau of the Budget and Management Research, May 1, 2016. <a href="http://bbmr.baltimorecity.gov/outcome-budgeting">http://bbmr.baltimorecity.gov/outcome-budgeting</a>.
- 2. US EPA, OA. "Lean Government." Overviews and Factsheets. US EPA, May 3, 2016. <a href="https://www.epa.gov/lean/lean-government">https://www.epa.gov/lean/lean-government</a>. Lean Government helps improve the speed and quality of processes by eliminating wastes such as document errors, unnecessary process steps, and waiting time. Lean Government initiatives help: identify and eliminate waste in programmatic and

- operational processes, improve efficiency and effectiveness, improve the quality, transparency, and speed of their processes.
- Andrew Kleine, City of Baltimore OutcomeStat, Microsoft PowerPoint, Maryland, Baltimore.
- Source information for all statistics in the "Results" section can be found in Baltimore's <u>Fiscal Year 2017 Summary of the Adopted</u> <u>Budget</u> (Pages 145-end) and Fiscal Year 2018 Agency Detail <u>Volume 1</u> (page 183) and <u>Volume II</u> (page 473).

#### **PHOTOS**

Cover Photo: Hank Mitchell—<u>baltophoto.org</u>.

Page 2: Office of the Maryland Governor.

Page 5: Hank Mitchell—<u>baltophoto.org</u>.

Page 7: Hank Mitchell—<u>baltophoto.org</u>.

# ABOUT THE INVEST IN WHAT WORKS POLICY SERIES

This report is part of Results for America's Invest in What Works Policy Series, which provides ideas and supporting research to policymakers to drive public funds toward evidence-based, results-driven solutions. Results for America is committed to improving outcomes for young people, their families, and communities by shifting public resources toward programs and practices that use evidence and data to improve quality and get better results.



This case study has been produced with the generous support of the Laura and John Arnold Foundation. The case study is an independent work product of Results for America, and the views expressed are those of the authors and do not necessarily represent those of the funder.

#### **MEMO FROM COUNCIL OFFICE:**

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

**Date:** May 10, 2024

**Re:** Ordinance 2024-13 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: Amending BMC 2.04.380 (Order of Business at Regular

Sessions)

# **Synopsis**

This ordinance amends BMC 2.04.380 entitled "Order of Business at Regular Sessions," which sets forth the order of items on the Council's Regular Session agenda. It reduces the standard speaker time limit applicable to Reports from the Public and Additional Reports from the Public from five minutes to three minutes and removes a provision allowing the presiding officer to reduce this time allotment based on the number of people wishing to speak.

#### **Relevant Materials**

- Ordinance 2024-13
- Rules for Making Public Comment incorporating changes proposed by the ordinance with additional revisions suggested by staff
- Indiana House Enrolled Act 1338

#### **Summary**

Ordinance 2024-13 proposes to amend Bloomington Municipal Code Section 2.04.380 (Order of business at regular sessions). This section sets out both the normal order of business at regular session meetings as well as time limits that apply to two opportunities for general public comment on matters of community concern – "Reports from the Public" and "Additional reports from the public".

The Council convened a work session on April 30, 2024 for the purpose of discussing its rules and practices for taking public comment. At that work session, many members indicated a desire to establish a standard time limit of three minutes that would apply to speakers commenting during the two opportunities for general public comment, as well as to speakers commenting on agenda items.

Currently, members of the public speaking during one of the two general periods of public comment are allowed five minutes, but that time may be reduced by the presiding officer if numerous people wish to speak. When the Council offers an opportunity for public comment on agenda items (typically legislation), the recent practice has been to allow speakers three minutes.

<u>Ordinance 2024-13</u> would reduce the time limit applicable to the two general periods of public comment from five minutes to three minutes and would remove the provision allowing the presiding officer to reduce the time allotment based on the number of people who wish to speak.

Accompanying this ordinance is a document called *Rules for Making Public Comment on Agenda & Non-Agenda Items*, which is a revised version of the Council's current <u>Rules for Making Public Comment</u>. The current rules were adopted and put into practice by the Council in 2010, when the Council last revised its Order of Business. A former Council Rules Committee report and supporting materials that led to the Council adopting the current rules are contained in an <u>August 4, 2021 meeting packet</u>. The rules are intended to be an ata-glance guide for members of the public speaking at a Council meeting. Since 2010, the guide has been distributed at meetings and posted on the Council's website.

If the Council adopts <u>Ordinance 2024-13</u>, it may then wish to consider adopting the revised rules for public comment included herein. The revisions would reflect the changes made by <u>Ordinance 2024-13</u>, but would also incorporate provisions that have recently been added to state code via <u>House Enrolled Act 1338</u> (to take effect July 1, 2024). This bill states that public governing bodies may adopt procedures that provide for the presiding officer to issue warnings to an attendee who disrupts a meeting or violates the body's rules or policies. Upon receiving three warnings, the attendee may be asked to leave the meeting or may be removed by a law enforcement officer. Immediate removal would be allowed if necessary to maintain order or ensure the safety of others, if the attendee commits a criminal offense, or if the attendee violates adopted Council rules or policies governing the conduct of the meeting.

These procedures largely reflect existing practice, but make more explicit the scenarios that might lead to removal of a meeting attendee. These rules would be posted in a visible area at the entrance to the Council Chambers and would be published on the Council's website. There is minimal to no direct fiscal impact associated with this ordinance.

#### **Contact**

Councilmember Isabel Piedmont-Smith & Office of the Common Council, 812-349-3409, council@bloomington.in.gov

#### **ORDINANCE 2024-13**

# TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ADMINISTRATION AND PERSONNEL"

Re: Amending BMC 2.04.380 (Order of Business at Regular Sessions)

WHEREAS, the Common Council generally controls the order and time allotted for each

item of its agenda; and

WHEREAS, in general, unscheduled matters should not cause undue inconvenience for

those who are presenting legislation and other arranged business before the

Council; and

WHEREAS, the current order of business at regular sessions provides twenty 20 minutes

for public comment on items not on the agenda at the beginning of the meeting and 25 minutes for such comment at the end of the meeting, allowing

five minutes for each speaker, with an option for the presiding officer to decrease this time if many people wish to speak; and

WHEREAS, this practice regarding public comment on items that are not on the agenda

means that members of the public do not have a predictable amount of time to speak, that the presiding officer routinely asks for a show of hands of those who want to speak and divides the allotted time accordingly, and that the then-allotted time per speaker does not consider members of the public who did not

initially indicate their intention to speak; and

WHEREAS, on April 30, 2024, the Common Council held a Work Session to review its

existing rules and practices related to offering public comment at Council meetings, wherein many members agreed that the Council should consider a standard time allotment of three minutes per speaker during each opportunity

for public comment;

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

SECTION 1. Section 2.04.380 of the Bloomington Municipal Code entitled "Order of business at Regular Sessions" shall be amended by deleting the last sentence in the last paragraph and replacing it with "Speakers are allowed up to three minutes each.", such that the full paragraph reads as follows:

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed up to three minutes each.

SECTION 2. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of		
County, Indiana, upon this day of	, 2024.	
	ISABEL PIEDMONT-SMITH, President Bloomington Common Council	
ATTEST:		
NICOLE BOLDEN, Clerk City of Bloomington		
PRESENTED by me to the Mayor of the City of Bloom this day of, 2024.		
NICOLE BOLDEN, Clerk City of Bloomington		
SIGNED and APPROVED by me upon this	day of, 2024.	
	KERRY THOMSON, Mayor City of Bloomington	

# **SYNOPSIS**

This ordinance amends BMC 2.04.380 entitled "Order of Business at Regular Sessions," which sets forth the order of items on the Council's Regular Session agenda. It reduces the standard speaker time limit applicable to Reports from the Public and Additional Reports from the Public from five minutes to three minutes and removes a provision allowing the presiding officer to reduce this time allotment based on the number of people wishing to speak.



# RULES FOR MAKING PUBLIC COMMENT ON AGENDA & NON-AGENDA ITEMS

The Bloomington Common Council greatly values the voices of its citizens and welcomes public comment on non-agenda items of community concern at two points on its *Regular Session* agenda. Citizens may make general comments at either the beginning of the meeting under *Reports from the Public* (limited to a total cumulative time of 20 minutes) or at the end under *Additional Reports from the Public* (limited to a total cumulative time of 25 minutes).

In order to conduct meetings in the most effective manner possible, the following rules apply to periods of general public comment and to periods of public comment on a particular item:

- 1) At each meeting, citizens may speak at only *one* of the two opportunities for general public comment, but not both.
- 2) Citizens are limited to one comment, not to exceed three (3) minutes. When giving your comment, please state your name for the record and speak directly into the microphone.
- 3) All in-person comments must be made from the podium; speakers may not approach the Council dais without permission of the Chair.
- 4) Reports are intended to be statements from speakers; speakers may not engage the Council in a question-and-answer exchange during the *Reports from the Public* periods.
- The City Council encourages civility in public discourse and requests that speakers refrain from language which would incite an immediate breach of the peace; refrain from undue repetition, extended discussion of irrelevancies, obscenity, and personal attacks against private individuals unrelated to the operation of the City.

These rules are intended to foster a fair, respectful, and productive meeting. Any person who violates these rules will be declared out of order by the Chair and will receive a warning. If an attendee receives three (3) warnings, the Chair may, upon issuing the third warning, direct: 1) the attendee to leave the meeting; and 2) a law enforcement officer to remove the attendee from the meeting, if the attendee refuses to leave when directed by the Chair for a violation of these rules.

Nothing in these rules may be construed to prohibit a law enforcement officer from immediately removing an attendee from a meeting if: 1) removal of the attendee is necessary to maintain order or ensure the safety of another person; 2) the attendee commits a criminal offense; or 3) the attendee violates these rules governing the conduct of the meeting. Ind. Code § 5-14-1.5-3.3 (effective July 1, 2024).

#### Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# HOUSE ENROLLED ACT No. 1338

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-14-1.5-2, AS AMENDED BY P.L.124-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. For the purposes of this chapter:

- (a) "Public agency", except as provided in section 2.1 of this chapter, means the following:
  - (1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.
  - (2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.
  - (3) Any entity which is subject to either:
    - (A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or
    - (B) audit by the state board of accounts that is required by statute, rule, or regulation.
  - (4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public

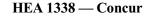


facilities.

- (5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.
- (6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.
- (7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.
- (b) "Governing body" means two (2) or more individuals who are any of the following:
  - (1) A public agency that:
    - (A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and
    - (B) takes official action on public business.
  - (2) The board, commission, council, or other body of a public agency which takes official action upon public business.
  - (3) Any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. However, the following do not constitute a governing body for purposes of this chapter:
    - **(A)** An agent or agents appointed by the governing body to conduct collective bargaining on behalf of the governing body. does not constitute a governing body for purposes of this chapter.
    - (B) A committee appointed directly by the governing body or a designee of the governing body:
      - (i) for the sole purpose of receiving information, deliberating, or making recommendations to the governing body; and
      - (ii) that has not more than one (1) member of the governing body as a member.
- (c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include any of the following:
  - (1) Any social or chance gathering not intended to avoid this chapter.
  - (2) Any on-site inspection of any:
    - (A) project;
    - (B) program; or
    - (C) facilities of applicants for incentives or assistance from the governing body.



- (3) Traveling to and attending meetings of organizations devoted to betterment of government.
- (4) A caucus.
- (5) A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.
- (6) An orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action.
- (7) A gathering for the sole purpose of administering an oath of office to an individual.
- (8) Collective bargaining discussions that the governing body of a school corporation engages in directly with bargaining adversaries. This subdivision applies only to a governing body that has not appointed an agent or agents to conduct collective bargaining on behalf of the governing body as described in subsection (b)(3).
- (d) "Official action" means to:
  - (1) receive information;
  - (2) deliberate;
  - (3) make recommendations;
  - (4) establish policy;
  - (5) make decisions; or
  - (6) take final action.
- (e) "Public business" means any function upon which the public agency is empowered or authorized to take official action.
- (f) "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose. The governing body may also admit an individual who has been elected to the governing body but has not been sworn in as a member of the governing body.
- (g) "Final action" means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order.
- (h) "Caucus" means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action.
- (i) "Deliberate" means a discussion which may reasonably be expected to result in official action (defined under subsection (d)(3), (d)(4), (d)(5), or (d)(6)).
  - (j) "News media" means all newspapers qualified to receive legal





advertisements under IC 5-3-1, all news services (as defined in IC 34-6-2-87), and all licensed commercial or public radio or television stations.

- (k) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.
- (1) "State educational institution" has the meaning set forth in IC 21-7-13-32.
- (m) "Charter school" has the meaning set forth in IC 20-24-1-4). The term includes a virtual charter school (as defined in IC 20-24-1-10).

SECTION 2. IC 5-14-1.5-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3.3. (a) This section applies only to a meeting of the governing body of an entity described in section 2(a)(2) or 2(a)(3) of this chapter.** 

- (b) This section does not apply to a meeting of the governing body of a school corporation or charter school.
- (c) As used in this section, "attendee" means a member of the public who is physically present at a meeting of a governing body.
- (d) If a governing body allows attendees to speak on a topic at a meeting, the governing body may designate:
  - (1) a period for taking public testimony that is:
    - (A) before or during the governing body's discussion or consideration of the topic; and
    - (B) before the governing body takes final action on the topic; and
  - (2) the amount of time allotted for attendees to speak on the topic.
- (e) A governing body may adopt reasonable rules or policies governing the conduct of a meeting, including any of the following:
  - (1) Reasonable restrictions on the time allotted for attendees to speak on a topic.
  - (2) Reasonable steps to maintain order during a meeting with respect to attendees and the elected officials of the governing body.
  - (3) A procedure for the presiding member of the governing body to issue warnings to attendees who disrupt a meeting. Subject to subsection (g), the procedure may provide that if an attendee receives three (3) warnings, the presiding member of the governing body may upon issuing the third warning, direct:



- (A) the attendee to leave the meeting; and
- (B) a law enforcement officer to remove the attendee from the meeting, if the attendee refuses to leave when directed by the presiding member for a violation of the rules or policies governing the conduct of the meeting as adopted by the governing body.
- (f) The governing body must notify attendees of any rules or policies that are adopted under this section by:
  - (1) posting the rules or policies in a visible area at the entrance to the meeting location; or
  - (2) making an announcement of the rules or policies at the meeting before taking oral public comment.
- (g) Nothing in this section may be construed to prohibit a law enforcement officer from immediately removing an attendee from a meeting if:
  - (1) removal of the attendee is necessary to maintain order or ensure the safety of another person;
  - (2) the attendee commits a criminal offense; or
  - (3) the attendee violates the rules or policies governing the conduct of the meeting as adopted by the governing body.
  - (h) IC 34-13-3-3(a)(8) applies to this section.

SECTION 3. IC 5-14-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. The governor shall appoint a public access counselor for a term of four (4) years at a salary to be fixed by the governor. The public access counselor shall serve at the pleasure of the governor.

SECTION 4. IC 5-14-4-7 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 7. The governor may remove the counselor for cause.

SECTION 5. IC 5-14-4-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10.5. When issuing an advisory opinion, the public access counselor shall consider only:

- (1) the public access laws, as plainly written; and
- (2) valid opinions of Indiana courts.

SECTION 6. IC 35-43-2-2, AS AMENDED BY P.L.79-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation or a scientific research facility to act on behalf of the agricultural operation or the scientific research facility.

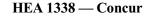
- (b) A person who:
  - (1) not having a contractual interest in the property, knowingly or





intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;

- (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;
- (3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;
- (4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent; (5) not having a contractual interest in the property, knowingly or intentionally enters the:
  - (A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner of the agricultural operation or an authorized person; or
  - (B) dwelling of another person without the person's consent;
- (6) knowingly or intentionally:
  - (A) travels by train without lawful authority or the railroad carrier's consent; and
  - (B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent:
- (7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is:
  - (A) vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or
  - (B) designated by a municipality or county enforcement authority to be:
    - (i) abandoned property or an abandoned structure (as defined in IC 36-7-36-1); or
    - (ii) an unsafe building or an unsafe premises (as described in IC 36-7-9);
- (8) not having a contractual interest in the property, knowingly or





intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

- (A) the owner of or a person having a contractual interest in the agricultural operation;
- (B) the operator of the agricultural operation; or
- (C) a person having personal property located on the property of the agricultural operation;
- (9) not having a contractual interest in the property, knowingly or intentionally enters the real property of a scientific research facility (as defined in IC 35-31.5-2-287) without the permission of, or with permission which was fraudulently obtained from, the owner of the scientific research facility or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:
  - (A) the owner of or a person having a contractual interest in the scientific research facility;
  - (B) the operator of the scientific research facility; or
  - (C) a person having personal property located on the property of the scientific research facility;
- (10) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be:
  - (A) a vacant property;
  - (B) an abandoned property;
  - (C) an abandoned structure (as defined in IC 36-7-36-1); or
  - (D) an unsafe building or an unsafe premises (as described in IC 36-7-9); or
- (11) knowingly or intentionally enters or refuses to leave the polls (as defined in IC 3-5-2-39) or chute (as defined in IC 3-5-2-10) after having been prohibited from entering or asked to leave the polls or chute by a precinct election officer (as defined in IC 3-5-2-40.1) or a law enforcement officer acting on behalf of a precinct election officer; or
- (12) knowingly or intentionally:
  - (A) without permission or prior authorization, enters an



area of property that is locked; or

(B) refuses to leave an area of a property that is otherwise not accessible to the public, after being asked to leave the area of a property by a law enforcement officer or an employee or agent of the owner or operator of the property;

commits criminal trespass, a Class A misdemeanor. However, the offense is a Level 6 felony if it is committed on a scientific research facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000). The offense is a Level 5 felony, for purposes of subdivisions (8) and (9), if the property damage is at least fifty thousand dollars (\$50,000).

- (c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:
  - (1) personal communication, oral or written;
  - (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public;
  - (3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
  - (4) posting the property by placing identifying purple marks on trees or posts around the area where entry is denied.
  - (d) For the purposes of subsection (c)(4):
    - (1) each purple mark must be readily visible to any person approaching the property and must be placed:
      - (A) on a tree:
        - (i) as a vertical line of at least eight (8) inches in length and with the bottom of the mark at least three (3) feet and not more than five (5) feet from the ground; and
        - (ii) not more than one hundred (100) feet from the nearest other marked tree; or
      - (B) on a post:
        - (i) with the mark covering at least the top two (2) inches of the post, and with the bottom of the mark at least three (3) feet and not more than five (5) feet six (6) inches from the ground; and
        - (ii) not more than thirty-six (36) feet from the nearest other

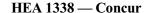


#### marked post; and

- (2) before a purple mark that would be visible from both sides of a fence shared by different property owners or lessees may be applied, all of the owners or lessees of the properties must agree to post the properties with purple marks under subsection (c)(4).
- (e) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.
- (f) A person described in subsection (b)(7) or (b)(10) violates subsection (b)(7) or (b)(10), as applicable, unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition.
- (g) A person described in subsection (b)(10) violates subsection (b)(10) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.
  - (h) Subsections (b), (c), and (g) do not apply to the following:
    - (1) A passenger on a train.
    - (2) An employee of a railroad carrier while engaged in the performance of official duties.
    - (3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.
    - (4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.
    - (5) A person on the station grounds or in the depot of a railroad carrier:
      - (A) as a passenger; or
      - (B) for the purpose of transacting lawful business.
    - (6) A:
      - (A) person; or
      - (B) person's:
        - (i) family member;
        - (ii) invitee;
        - (iii) employee;
        - (iv) agent; or
        - (v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier





to go on specified railroad property.

- (8) A representative of the Indiana department of transportation while engaged in the performance of official duties.
- (9) A representative of the federal Railroad Administration while engaged in the performance of official duties.
- (10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.



Speaker of the House of Represen	tatives	
President of the Senate		
President Pro Tempore		
Governor of the State of Indiana		
Date:	Time:	

