

**BLOOMINGTON TRAFFIC COMMISSION
AGENDA**

September 23, 2020

4:30 P.M. – Virtual Meeting

Online link: <https://bloomington.zoom.us/j/95880011664>

Meeting ID: 958 8001 1664

Dial in: +1 312 626 6799, 958 8001 1664# US (Chicago)

- I. Call to Order
- II. Approval of Minutes – 8.26.2020
- III. Public Comment
- IV. Communications from Commission
- V. Reports from Staff
- VI. Old Business
- VII. New Business
 - A. Traffic Calming Policy
 - B. Title 15 Updates
 - C. Title 12 Updates
- VIII. Traffic Inquiries
- IX. Requests for future agenda items
- X. Adjournment

Next meeting – October 28, 2020

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

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

**BLOOMINGTON TRAFFIC COMMISSION
MINUTES**

August 26, 2020

4:30 P.M. – Virtual Meeting

Online link: <https://bloomington.zoom.us/j/91353242623>

Meeting ID: 913 5324 2623

Dial in: +1 312 626 6799 US, 913 5324 2623# US (Chicago)

- I. Call to Order:** 4:35pm by Sarah Ryterband
Commissioners present: Ryne Shadday, Chiara Bangor-Giorgio, Sarah Ryterband, and Neil Kopper (Malik McCluskey joined at 4:45pm)
Motion to postpone approval of minutes until later in the agenda.
Motioned: Chiara Bangor-Giorgio Seconded: Ryne Shadday
Yay: Chiara Bangor-Giorgio, Ryne Shadday, Sarah Ryterband, Neil Kopper
Motion passed: 4-0
- II. Approval of Minutes – 6.24.2020 and 7.22.2020**
Motion to approve minutes from the 6.24.2020 Meeting
Motioned: Ryne Shadday Seconded: Malik McCluskey
Yay: 5 Nay: 0 Abstain: 0
Motion passes: 5-0
- Motion to approve minutes from the 7.22.2020 meeting
Motioned: Chiara Bangor-Giorgio Seconded: Ryne Shadday
Yay: 5 Nay: 0 Abstain: 0
Motion passes: 5-0
- III. Public Comment - none**
- IV. Communications from Commission – none**
- V. Reports from Staff -- none**
- VI. Old Business -- none**
- VII. New Business – Beth Rosenbarger (staff) requested to allow the Traffic Inquiry to be presented first. Sarah Ryterband agreed. No vote was taken.**
A. The current traffic calming policy: NTSP
Mallory Rickbeil presented the current NTSP
- VIII. Traffic Inquiries**
A. Maxwell Lane: On-Street Parking review request
Presented by staff: Amir Farshchi. Amir presented slides showing the area and the school pick-up and drop-off.
Malik McCluskey joined the meeting at 4:45pm

Gwendolyn White lives on the street and made the original request that staff review this area. Ms. White shared her concerns with the pick-up and drop-off traffic on the street.

Commission members asked questions to Ms. White and to staff such as: could this be observed on more than one instance? What is the usual pick-up and drop-off traffic like? It was suggested to consider traffic-calming on the street and to consider adding green markings to the street to let more people know that it is a neighborhood greenway and to be cautious.

IX. Requests for future agenda items -- none

X. Adjournment: 5:45 pm

Next meeting – September 23, 2020

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

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MEMORANDUM

To: City of Bloomington Traffic Commission

From: Mallory Rickbeil, Bicycle and Pedestrian Coordinator

Date: July 23, 2020

Re: Updated NTSP Policy Framework

This memo provides a background on the current Neighborhood Traffic Safety Program (NTSP) (generally referred to as the Traffic-Calming Policy), and it explains a new program—the Traffic Calming and Neighborhood Greenways Program-- to replace the NTSP.

Neighborhood Traffic Safety Program (NTSP) Background

Bloomington City Council passed the NTSP as part of Chapter 15 Section 26 of the Bloomington Municipal Code (BMC) in June of 1999. In the twenty-one years since its adoption, very few projects have successfully installed traffic calming as a result of following the current program with fidelity, and the lack of successful projects is not due to a lack of interest. The commonly cited threshold that 51% of all eligible households vote in favor of the proposed traffic calming installation is a barrier to successful implementation. The current process is time consuming for both residents and City staff.

An updated program is proposed, and the goals of the new program are as follows: to manage a consistent process; to allocate resources in the most objective and efficient manner; and to provide a pathway for a City-led Traffic Calming and Neighborhood Greenway installation. The recently adopted Transportation Plan stresses implementation of a Bicycle Facilities Network, but the current NTSP does not support such implementation of Neighborhood Greenways, a major component of the bicycle network.

The Updated Policy

The new policy provides two distinct processes to follow in order to install traffic calming; the processes vary according to who is requesting the traffic calming. One process is for resident-led and resident-requested projects, and it functions similar to a grant cycle. The other is a clear process for the City to install traffic calming and Neighborhood Greenways. The two processes are described below and illustrated in the figures that follow:

- **Resident-Led Traffic Calming Process:** this process provides groups of organized residents the ability to request to add speed cushions and devices, in order to slow motor vehicle traffic and mitigate speed non-compliance, (See Figure 1). The process will run as a yearly grant cycle where projects will be objectively evaluated and ranked based upon the incidence of risk-causing factors and prevalence of vulnerable road users. High-ranking projects can be prioritized and funded based on the resources made available for these projects, and as determined by the Bicycle and Pedestrian Safety Commission. An example of possible ranking criteria is provided (see Figure 3).
- **Staff-Led Traffic Calming/ Neighborhood Greenway Process:** allows city staff to address situations that have potential to cause injury or other relatively minor changes that improve safety, especially for vulnerable users. Additionally, this process allows the City to lead the design, public engagement, and installation of Traffic Calming and Neighborhood Greenways, which are outlined in the Transportation Plan. A clear process allows residents and the City the opportunity to plan, engage, and install Neighborhood Greenways (See Figure 2). There is no current process that allows staff to lead and install Traffic Calming or Neighborhood Greenways.

The proposed program provides the City the tools to implement projects identified in the Transportation Plan, to address conditions which can increase risk, and to provide a functional mechanism for concerned residents to pursue safety improvements.

Staff recommend Traffic Commission approve proposed Traffic Calming policy as an update to the NTSP and forward to Common Council for review.

Figure 1: A Visual Overview of the Resident-Led Traffic Calming Process

Resident-Led Traffic Calming Process

A VISUAL OVERVIEW

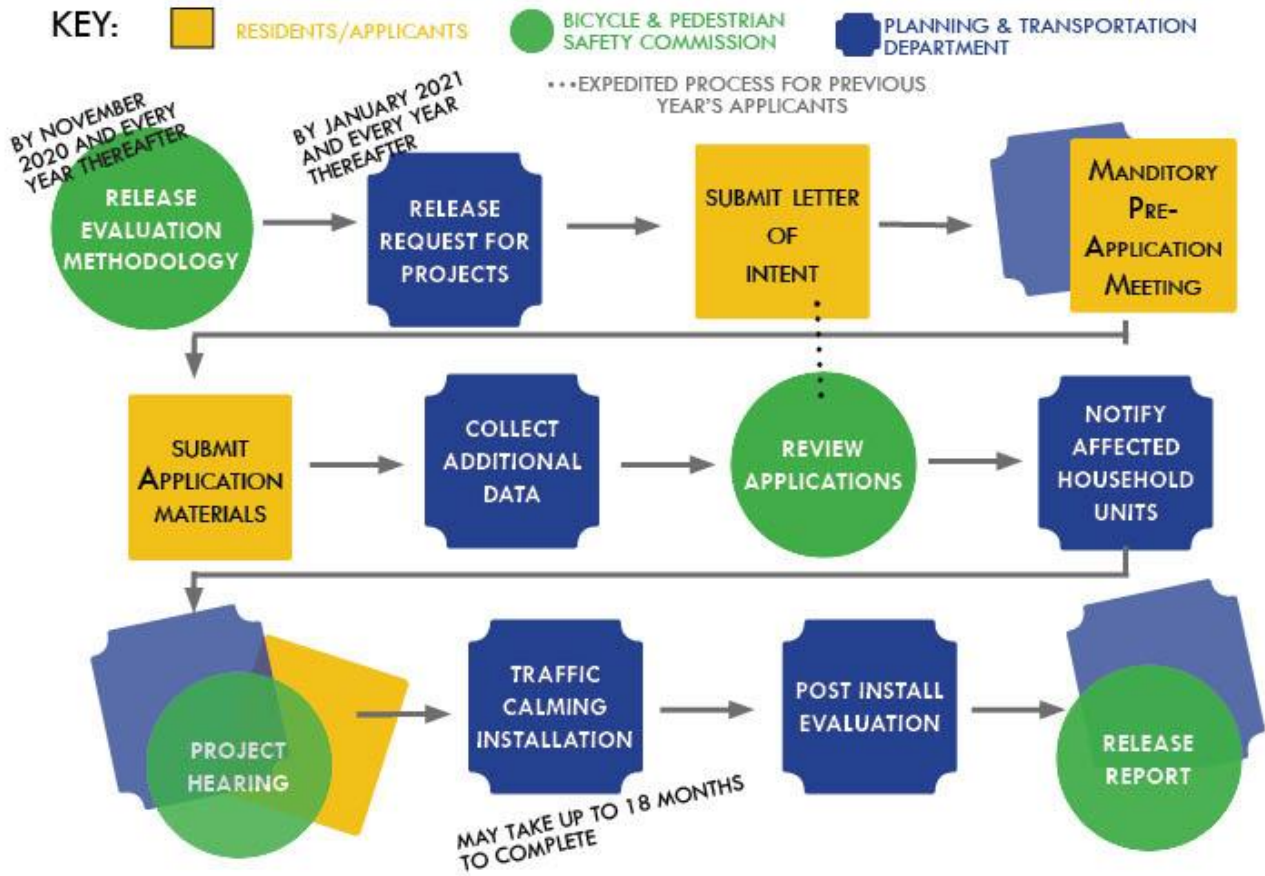


Figure 2: A visual overview of the Staff-Led Neighborhood Greenway Process

Staff-Led Neighborhood Traffic Calming/Greenway Process

A VISUAL OVERVIEW

KEY: ■ RESIDENTS/APPLICANTS ● BICYCLE & PEDESTRIAN SAFETY COMMISSION ■ PLANNING & TRANSPORTATION DEPARTMENT
-- --> PROCESS REQUIRED ONLY FOR NEIGHBORHOOD GREENWAYS

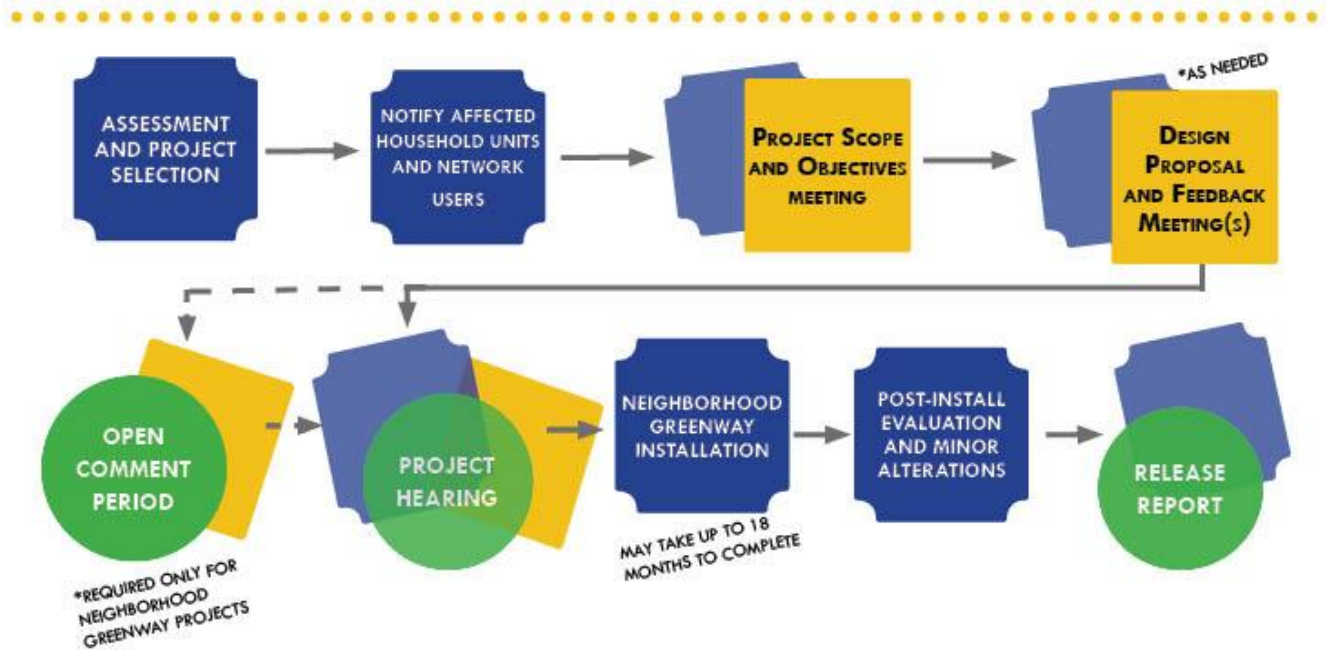


Figure 3: An example Evaluation Methodology Rubric used to rank projects

Performance Objective 1: Areas* that have an increased prevalence of vulnerable users		Example Grading Methodology
1.1	% of households w/ children under the age of 18	1 * % = # of points
1.2	% of households w/ people with disabilities	1 * %= # of points
1.3	% of households with people aged 65+	1 * % = # of points
1.4	% of households with people who are recipients of SNAP benefits	1.3* %= # of points
1.5	Yes/No Community Place Type: Grade School (Public or Private)	10 points
1.6	Yes/ No Community Place Type: Parks	7 points
1.7	Yes/ No Community Place Type: Community Centers/ Food Pantries	7 points
<p>*unless otherwise defined, “area” comprises of the Census Block Group for which data are available. If a project area spans beyond the border of a single Block Group, the represented Block Group percentages shall be averaged with equal weight given to all groups for an aggregate score.</p>		

Performance Objective 2: Areas with an increased incidence of crashes and behaviors which are causal in injury		Example Grading Methodology
2.1	# of fatal or injury causing crashes within the zone (within the past 7 years)	# * 20 = # of points
2.2	# of fatal or injury causing crashes on boundary streets (within the past 7 years)	# * 10 = # of points
2.3	# of MPH above the posted speed limit @ 85 percentile	# = # of points
2.4	# of MPH above the posted speed limit @ 95 percentile	# = # of points
2.5	Vehicle volumes < 400 cars/ day	(x-400) *.05 = # of points
2.6	Residential Density	.01 points for every dwelling unit per km ²
2.7	% of streets with sidewalks on both sides	%*.10= # of points
2.8	% of streets with sidewalks on one side of the road	% *.25 = # of points
2.9	% of streets with no sidewalks on either side	% * .50 = # of points
Point Total for Performance Objectives 1.1 – 1.7		
Point Total for Performance Objectives 2.1 – 2.9		
Overall Project Total		



TRAFFIC CALMING & GREENWAY PROGRAM

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BACKGROUND

The City of Bloomington (the City) places a high value on livability. Livability, as a concept, has largely been the rationale for public policies which serve to benefit the community. One such policy, Chapter 15.26, added to the City's Code on June 2, 1999, established the Neighborhood Traffic Safety Program (NTSP). The NTSP aimed to increase a neighborhood's livability by enabling groups of organized residents to manage driving behaviors on neighborhood streets through the installation of speed cushions, chicanes, and other traffic calming devices.

The City of Bloomington Traffic Calming and Greenways Program (TCGP) seeks to replace the NTSP program and envisions a process for Bloomington which is:

- Based upon objective, measurable data
- Viewed through the lenses of connectivity and accessibility
- Aligned with the City's Comprehensive Plan and Transportation Plan
- Managed through a consistent process
- Openly shared and transparent to the community

RATIONALE

The rationale for replacing the NTSP policy is based on the Bloomington Comprehensive Plan (2018) and the Bloomington Transportation Plan (2019):

- Continue to integrate all modes into the transportation network while prioritizing bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users (*Comprehensive Plan Goal 6.4*)
- Protect neighborhood streets that support residential character and provide a range of local transportation options (*Comprehensive Plan Goal 6.5*)
 - Implement traffic calming measures where safety concerns exist to manage motor vehicle traffic on residential streets (*Comprehensive Plan, Policy 6.5.1*)
 - Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods (*Comprehensive Plan, Policy 6.5.2*)
 - Continue to improve connectivity between existing neighborhoods, existing and proposed trails, and destinations such as commercial areas and schools (*Comprehensive Plan, Policy 6.5.3*)
- Ensure an appropriate process to receive traffic calming requests from residents and include steps for the installation of temporary, proactive traffic calming measures as well as the installation of longer-term measures as a result of a reactive process in response to local concerns (*Transportation Plan, p. 51*)
- Encourage resident involvement (*Transportation Plan, p. 64*)

GUIDING PRINCIPLES

The following eight guiding principles inform the TCGP:

1. Evaluation and prioritization of TCGP installations should be based upon objective, pre-established criteria; be in alignment with the City of Bloomington adopted plans and goals; and be reviewed by a designated City Commission who oversee traffic calming, and/or long range transportation planning.
2. Traffic Calming and Greenways Program projects shall enhance pedestrian, bicyclist, and other **micromobility** mode user's access through the neighborhood and preference shall be given to projects that enhance access to transit as well.
3. Traffic calming devices should be planned and designed in keeping with planning and engineering best practices.
4. Reasonable emergency and service vehicle access and circulation should be preserved.
5. City staff shall direct the installation of traffic calming measures in compliance with this policy and as adopted into Bloomington Municipal Code.
6. The TCGP is mainly intended for: **Shared Street**, **Neighborhood Residential Street**, and **Neighborhood Connector Street** typologies and, on occasion, may include traffic calming elements as part of a larger infrastructure project.
7. Some motorists may choose to reroute from one neighborhood street to another as a result of an TCGP project. In some cases, this rerouting may require updates to a project, but the goals of mode shift and improved safety for all road users should generally supersede minor shifts in rerouting. Minor increases in traffic volumes on adjacent streets are anticipated and acceptable levels should be defined on a project-by-project basis.
8. Processes shall provide for reasonable but not onerous resident participation in plan development and evaluation.

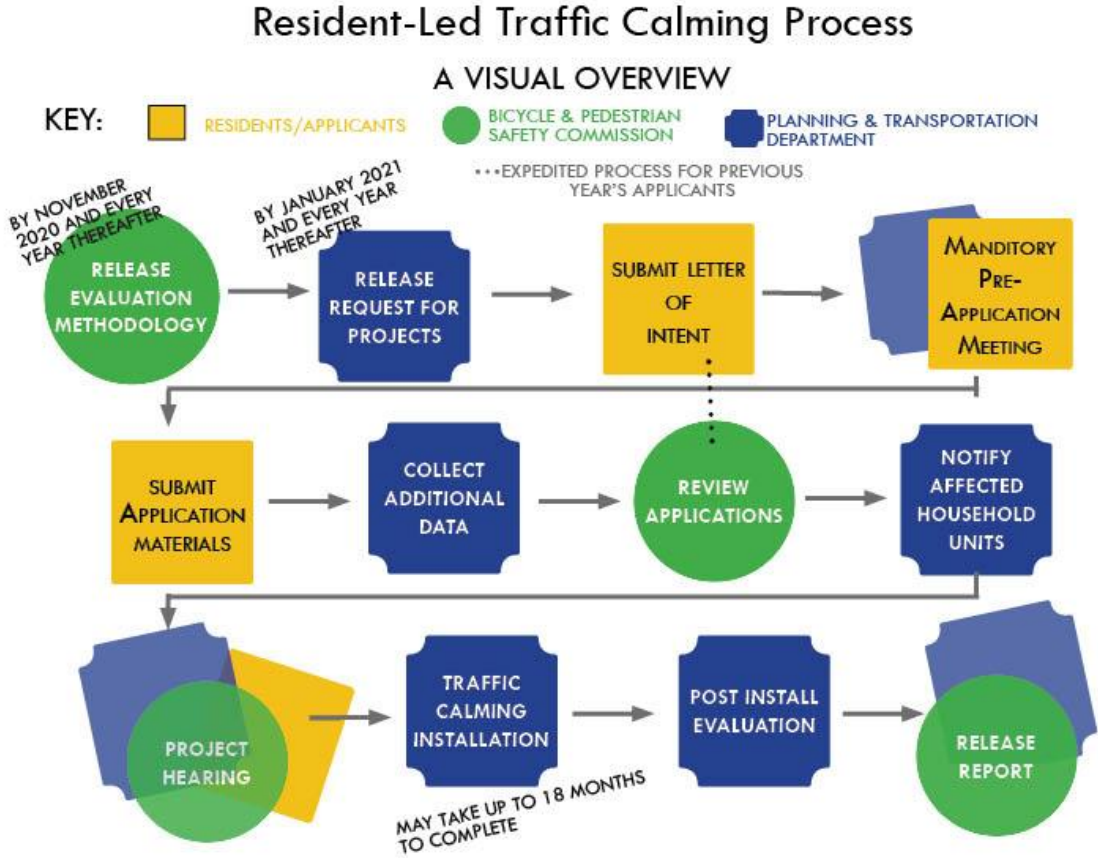
RESIDENT-LED TRAFFIC CALMING PROCESS

The TCGP provides a mechanism for residents to work with the City to manage traffic in their neighborhoods. The TCGP is intended to provide a simple process for residents to address traffic and speeding concerns on neighborhood streets. The TCGP processes also provide a consistent framework to ensure efficient use of resident and City staff time.

This section describes in detail the steps involved in participating in the Resident-led Traffic Calming process including the City’s request for projects, the application requirements, benchmark data collection, the review and prioritization of high-ranking projects, the installation of traffic calming devices, and an evaluation of the project’s success. The Resident-Led Traffic Calming Process is illustrated below in Figure 1 and in the [Appendix](#).

Traffic Calming devices primarily considered for this program include **speed cushions** and **speed humps**, in some contexts other devices may also be considered.

Figure 1: Visual Overview of the: Resident-led Traffic Calming Process



BICYCLE PEDESTRIAN SAFETY COMMISSION RELEASES EVALUATION METHODOLOGY

The Evaluation Methodology defines the objective criteria used to review project requests. The evaluation methodology is reviewed each year before the start of a new process cycle. By November 30, 2020 and by November 30 of each year thereafter, the Bicycle Pedestrian Safety Commission (BPSC) shall submit revisions of the TCGP Evaluation Methodology to the Planning and Transportation Department as well as a report that includes the following:

- Any changes to the application evaluation methodology from the previous year;
- A status report on the previous years' designed and installed projects; and
- Projects which applied for funding but did not receive funding based on the priority ranking during the previous year's cycle.

CITY RELEASES REQUEST FOR PROJECTS

In January 2021 and every year in January thereafter, the City Planning Department will release a Request for Projects (RFP) for participation in the Traffic Calming and Greenways Program. Each RFP issued shall be dependent upon funding availability, and the amount of available funding may be made known to prospective applicants. Requests for participation will be made through the BPSC and City staff to residents upon the opening of the RFP process.

STEP 1: RESIDENTS SUBMIT LETTER OF INTENT

Residents who wish to engage in the TCGP must submit a Letter of Intent (LOI) to the Planning Department before the end of the posted deadline. Prospective applicants are responsible for checking the TCGP guidelines for additional formatting and submission requirements. The LOI from the interested parties shall include but may not be limited to:

- Contact information for a minimum of two project co-organizers;
- Project organizers must represent two (2) separate dwelling units within the proposed area to be considered.
 - Individuals who reside in the same dwelling shall not be permitted to serve as project co-organizers without the collaboration of a neighbor or resident of a differing dwelling unit.
 - Individuals who reside in different dwelling units of a larger multi-family complex shall be permitted to serve as project co-organizers.
- A general description of the concern;
- A map of the proposed area to be considered;
- Acknowledgement of program policies; and
- Any supplemental information requested by staff.

Previous Applicants: Project co-organizers who have submitted an application for the previous one (1) year program cycle and did not receive funding may reapply with an updated LOI and any supplemental materials requested by City Staff.

Staff Action: When the submission window has closed, City staff shall review each of the LOIs. City staff will notify applicants who have met the requirements to advance to the application process of the Resident-led Traffic Calming Process. In the event that an application does not meet the minimum

requirements to apply, City staff may notify the project co-organizers and allow up to 4 additional business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. LOIs which do not meet the minimum requirements will not progress beyond Step 2 of the Resident-led Traffic Calming Process and shall be notified by City staff.

STEP 2: PRE-APPLICATION MEETINGS WITH CITY STAFF AND PROJECT ORGANIZERS

City staff shall schedule a mandatory meeting with each group of project co-organizers who have advanced to Step 2 of the Resident-led Traffic Calming Process. At the mandatory pre-application meeting staff shall:

- Discuss the application requirements, processes, and deadlines;
- Disseminate preliminary information required in the application;
- Provide a link to the application materials; and
- Answer questions from the project organizers.

STEP 3: RESIDENTS SUBMIT APPLICATION MATERIALS

Project co-organizers will have approximately six to eight weeks to complete and submit their applications. Application materials shall include:

- Three (3) Letters of Support from stakeholders.
 - Must include at least one (1) City Council Representative
 - May include an organization or professional which serves the residents living within the identified area (i.e., neighborhood association, school, neighborhood resource specialist, faith based organization, and/or a non-profit which serves households located within the specified area but may not necessarily be located within the specified zone)
 - Only three letters will be reviewed. Additional letters will not be reviewed with the project application.
- Twenty-four (24) or 51% (whichever is the lesser) signatures from **Affected Housing Units** impacted by the traffic calming installations proposed.
 - Staff shall provide a template document for collecting signatures which must be used for collecting signatures. No other forms will be accepted.
 - Electronic signatures may be used for this purpose if deemed appropriate and with written approval of the City Planning Department Director.
- A finalized map of the proposed project area.
- Additional relevant data requested by City staff

City staff shall send a confirmation email once an application has been received. In the event that an application requires clarification or has proposed a zone which is incompatible with the program, City staff may notify the project organizers and allow up to an additional 4 business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. Incomplete applications which are submitted with insufficient supporting documents/ materials will not progress beyond Step 3 of the Resident-led Traffic Calming Process and shall be notified by City staff.

STEP 4: CITY STAFF PREPARE RELEVANT DATA

City staff shall collect preliminary information about current traffic conditions. Relevant data may include crash history, speed counts and volume data, and other relevant facts. City staff shall notify the affected safety and emergency services of the initiative to include but not be limited to: the Bloomington Police Department, Bloomington Fire Department, local ambulance services, and Bloomington Transit.

City staff may collect and summarize preliminary information about existing plans for development, census data, and pedestrian and bicycle network infrastructure near the proposed project.

STEP 5: BPSC REVIEW OF APPLICATIONS

Upon the receipt of completed applications, the BPSC will review the materials submitted and the preliminary data collected by City staff. The BPSC will validate successful applications, and rank the projects which score highest as determined by the evaluation methodology. All applications will be evaluated using the same criteria.

The evaluation criteria for the Resident-led Traffic Calming Process must account for two main areas of emphasis:

1. Prevalence of vulnerable users (e.g., children, persons with disabilities, older adults, economically disadvantaged households) and community centers.
2. Incidence of crashes and behaviors which are the causal factors for increased injury to vulnerable users (crashes, speeding, volume).

For reference, a sample evaluation methodology rubric has been provided in [the Appendix](#) in order to show how the evaluation criteria may be quantified and ranked.

STEP 6: NOTIFICATIONS SENT TO AFFECTED HOUSING UNITS IN HIGH RANKING AREAS

Notifications will be sent via post to **Affected Housing Units** and electronically to **Network Users** in the areas surrounding projects that are likely to be funded based upon the number of applications and the designated resources for traffic calming.

Information presented in the notification shall include:

- Information related to the location and placement of the proposed traffic calming installations;
- The objectives for the traffic calming;
- Notification of all scheduled meetings associated with the project and prioritization process; and Contact information and project website to direct feedback, ask questions, or present concerns.

STEP 7: PROJECT PRIORITIZATION HEARING

The BPSC shall host a hearing in which **Affected Housing Units**, **Network Users**, and members of the public may voice their questions, concerns, support, or critique of the Traffic Calming project. Based

upon information gleaned at the prioritization hearing, the BPSC may vote to advance fundable projects to the design/ installation phase for those which rank highest unless extenuating circumstances become known which calls into question a project's merit or evidence that an application was not put forth in good faith with the program policies.

STEP 8: INSTALLATION

City staff will proceed with final design and installation. Planning, design, and construction may take up to 18 months depending on the scope of the project. Installations will typically be planned with permanent materials; however, using temporary materials may be appropriate to evaluate design options or to accelerate project timelines.

STEP 9A: POST-INSTALLATION EVALUATION *(TAKES PLACE CONCURRENTLY WITH STEP 9B)*

Up to 18 months after the construction of the Traffic Calming project, the City may conduct a follow-up evaluation. After the installation has been completed, City of Bloomington Planning Department Staff will work to gather data which may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be included.

STEP 9B: MAINTENANCE AND MINOR ALTERATIONS *(TAKES PLACE CONCURRENTLY WITH STEP 9A)*

The City of Bloomington Planning Department is responsible for the construction and the minor alteration of any traffic calming device implemented as part of the Resident-led Traffic Calming Process. Alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered minor alterations. Other changes which could have a more significant impact on a street's operations should follow the Staff-led Traffic Calming/Neighborhood Greenway Process or the Resident-led Traffic Calming Process in subsequent funding cycles.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming installations.

OTHER PROCESSES A: INCREASED TRAFFIC CALMING

If residents desire to have their traffic calming modified to include major alterations, a request (in writing) must be made to City Planning staff. Requests for traffic calming tools beyond those typically used for Resident-led projects shall require staff approval. Projects supported or increased traffic calming will follow the Staff-led Traffic Calming/ Neighborhood Greenway Process beginning at [Step Six](#).

Requests for additional **speed cushions** or traffic calming devices which are not staff supported and therefore not approved for the Staff led Traffic Calming/ Neighborhood Greenway process shall require a new application through the Resident-led Traffic Calming Process in subsequent years' funding cycles.

OTHER PROCESSES B: REMOVAL PROCESS

If residents of a neighborhood request to have their traffic calming installations removed, an application shall be submitted with no less than sixty-six (66) percent of the **Affected Housing Units** in support of

the removal. Removal of Traffic calming must be based upon the same boundaries as the original project request and may not be divided into smaller portions thereof. Applications for removal and required signatures shall not be submitted within 7 years of the date which the traffic calming installation was approved. City staff shall provide a template document for collecting signatures which **must** be used for collecting signatures required for traffic calming removal. No other forms will be accepted for this purpose. The City may provide an electronic signature option if deemed appropriate and with written approval of the City Planning Department Director.

City Planning Department staff shall validate completed applications and present it to the Bicycle Pedestrian Safety Commission for approval. Based upon the application materials provided, traffic speed and volume data, and public comment, BPSC shall vote to remove the traffic calming installations (or any portion thereof) unless sixty-six (66%) percent majority of BPSC appointed members vote to deny the removal of the traffic calming installations.

In some extenuating circumstances, the City Engineer may remove a traffic calming installation if they find it poses increased and unnecessary risk to public. In the event of such circumstances, the Engineer must submit a report within 180 days of the removal of a traffic calming device to both the BPSC and City Council explaining the rationale which the removal was deemed necessary.

STEP 1: NOTICE MAILING

City staff shall notify **Affected Housing Units** by a postal mailing and electronically to **Network Users** in advance of any work sessions or meetings which discuss the installation of the Traffic Calming/ Neighborhood Greenway project.

The intent of the notification is to alert residents and stakeholders of the project and provide details of upcoming meetings. Other notifications, such as postings on social media or signs posted in the vicinity of the proposed project, are additional measures which may be used to increase engagement with residents.

STEP 2: FIRST MEETING- PROJECT SCOPE AND OBJECTIVES MEETING

City Planning and Transportation Department Staff shall host a meeting about the proposed project. Staff will seek input from residents, stakeholders, and **Network Users**. Staff will present information including but not limited to the following:

- What is Traffic Calming? What is a Neighborhood Greenway?
- What are the boundaries of this phase of the project?
- How does the Traffic Calming/ Neighborhood Greenway support the City's Comprehensive Plan and Transportation Plan goals for multimodal connectivity?
- What are the funding limitations for this project or phase?

STEP 3: SECOND MEETING- FEEDBACK ON PRELIMINARY DESIGN

City staff will host a second meeting to share the preliminary design and to take input from residents and users.

STEP 4: THIRD MEETING (OPTIONAL) DESIGN/BUILD OUT OPTION WORK MEETING

A third meeting is optional, based on feedback of the preliminary design.

STEP 5: OPEN COMMENT PERIOD (NEIGHBORHOOD GREENWAY PROJECTS ONLY)

Staff-led Neighborhood Greenway plans shall be made available for comment by **Affected Housing Units, Network Users**, and other stakeholders. Comments shall be made on the project website, email, phone, or post mail. Comments housed in social media platforms and listservs will not be considered in the BPSC Discussion/ Review.

The open comment period is expected to last 4 weeks, unless extenuating circumstances require a longer timeframe. When City staff feel confident that a design best suited to the project and location has been achieved, the proposed Staff- Led Neighborhood Greenway installation will proceed forward to the BPSC Discussion and Review Phase.

STEP 6: BPSC DISCUSSION/REVIEW

City staff shall present the project, objectives, baseline data, notes from public meetings, and design concepts to the BPSC for review. By default, projects will proceed, unless a seventy-five percent (75%) of the BPSC appointed members vote to send the project back to the City staff for further refinement.

STEP 7: INSTALLATION

City of Bloomington Planning Department shall install the Traffic Calming or Neighborhood Greenway. The installation is intended to be constructed with permanent materials; however, in some cases, using temporary materials may be appropriate in order to evaluate design techniques or to accelerate project timelines.

STEP 8A: EVALUATION (*HAPPENS CONCURRENTLY WITH STEP 8B*)

Within eighteen months after the construction of a Traffic Calming/ Neighborhood Greenway project is complete, the City may conduct a follow-up evaluation. This evaluation may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be beneficial.

STEP 8B: MAINTENANCE AND MINOR ALTERATIONS (*HAPPENS CONCURRENTLY WITH STEP 8A*)

The City of Bloomington Planning Department is responsible for the construction and the minor alteration of any traffic calming device implemented as part of the program. These alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered minor alterations. Other changes which could have a more significant impact on a street's operations should follow the Staff-led Traffic Calming/Neighborhood Greenway process or Resident-Led Traffic Calming process.

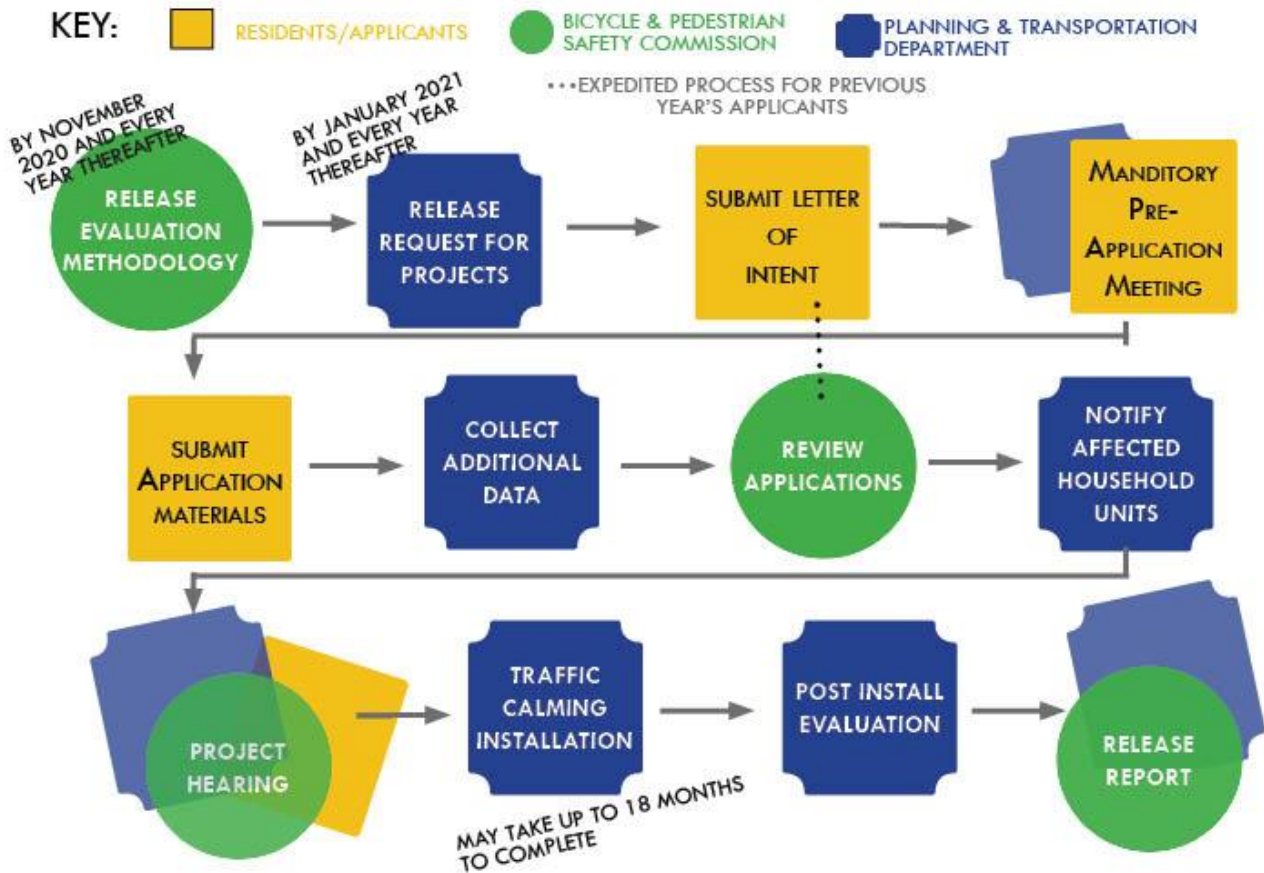
The Department of Public Works will be responsible for maintenance of completed Traffic Calming/ Neighborhood Greenway installations.

APPENDIX

VISUAL OVERVIEW OF RESIDENT-LED AND STAFF-LED PROCESSES

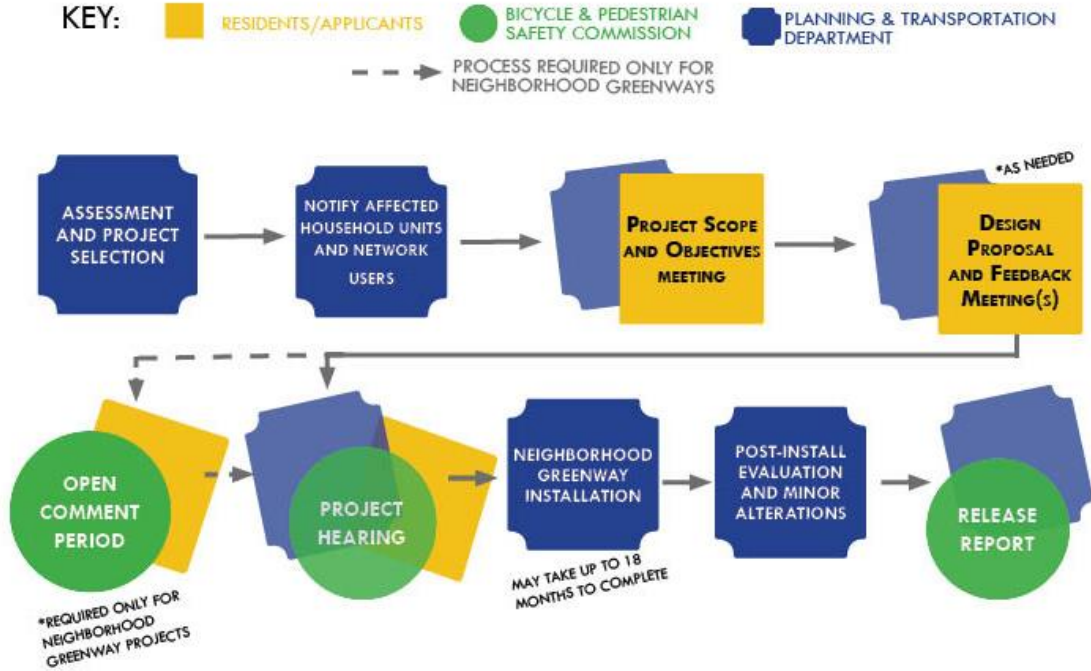
Resident-Led Traffic Calming Process

A VISUAL OVERVIEW



Staff-Led Neighborhood Traffic Calming/Greenway Process

A VISUAL OVERVIEW



EXAMPLE EVALUATION METHODOLOGY FOR RESIDENT-LED PROJECTS

Performance Objective: Areas* that have an increased prevalence of vulnerable users		Example Grading Methodology
1.1	% of households w/ children under the age of 18	1 * % = # of points
1.2	% of households w/ people with disabilities	1 * % = # of points
1.3	% of households with people aged 65+	1 * % = # of points
1.4	% of households with people who are recipients of SNAP benefits	1.3 * % = # of points
1.5	Yes/No Community Place Type: Grade School (Public or Private)	10 points
1.6	Yes/ No Community Place Type: Parks	7 points
1.7	Yes/ No Community Place Type: Community Centers/ Food Pantries	7 points

*unless otherwise defined, "area" comprises of the Census Block Group for which data are available. If a project area spans beyond the border of a single Block Group, the represented Block Group percentages shall be averaged with equal weight given to all groups for an aggregate score.

Performance Objective: Areas with an increased incidence of crashes and behaviors which are causal in injury		Example Grading Methodology
2.1	# of fatal or injury causing crashes within the zone (within the past 7 years)	# * 20 = # of points
2.2	# of fatal or injury causing crashes on boundary streets (within the past 7 years)	# * 10 = # of points
2.3	# of MPH above the posted speed limit @ 85 percentile	# = # of points
2.4	# of MPH above the posted speed limit @ 95 percentile	# = # of points
2.5	Vehicle volumes < 400 cars/ day	(x-400) *.05 = # of points
2.6	Residential Density	.01 points for every dwelling unit per km ²
2.7	% of streets with sidewalks on both sides	% * .10 = # of points
2.8	% of streets with sidewalks on one side of the road	% * .25 = # of points
2.9	% of streets with no sidewalks on either side	% * .50 = # of points
Point Total for Performance Objectives 1.1 – 1.7		
Point Total for Performance Objectives 2.1 – 2.9		
Overall Project Total		

DEFINITIONS

Affected Housing Units: residents and property owners of record located within two lots not to exceed 300 feet of streets affected by the proposed traffic calming installation.

Micromobility: a category of modes of transport that are provided by very light vehicles such as scooters, electric scooters, electric skateboards.

Neighborhood Connector Street: streets which provide connections between the neighborhood residential and general urban or suburban connector streets. They collect traffic from residential neighborhoods and distribute it to the broader street network. Most of the land uses surrounding neighborhood connectors are generally low/medium-density residential with commercial nodes as it connects to the larger street network.

Neighborhood Residential Street: streets that provide access to single and multifamily homes and are not intended to be used for regional or cross-town commuting. Neighborhood residential streets have slow speeds and low vehicular volumes with general priority given to pedestrians.

Neighborhood Greenway: a low-speed, low-volume shared roadway that creates a high-comfort walking and bicycling environment. Neighborhood Greenways are identified in the Bloomington Transportation Plan.

Network Users: People who utilize a street for their primary means of access to pedestrian, bicycle, or transit networks.

Shared Streets: Streets designed for pedestrians, bicyclists, transit riders, and motorists to operate in a “shared” space; shared streets utilize design elements such as pavement treatments, planters, roadway widths, parking spaces, and other elements to direct traffic flow and to encourage cooperation among travel modes in typically flush or curbless environments.

Speed Cushions: speed humps that include wheel cutouts to allow large vehicles, cyclists, scooters and strollers to pass unaffected, while reducing passenger car speeds.

Speed Humps: a ridge set in a road surface, typically at intervals, to control the speed of vehicles.

Traffic Calming: methods described within the state code which are used to slow cars on residential streets. Traffic Calming devices may include curb extensions, chicanes, and/or diagonal diverters.

To: Traffic Commission
MEMO

Date: September 17, 2020

From: Raye Ann Cox, Parking Enforcement Manager; SeyedAmir Kaboli Farshchi, Long Range Planner; Neil Kopper, Interim Transportation & Traffic Engineer; Barbara E. McKinney, Assistant City Attorney; Beth Rosenbarger, Planning Services Manager; Michelle Wahl, Parking Services Director

Request: Title 15 Amendments

REPORT

The Legal Department, Planning and Transportation Department, and Parking Services have compiled a number of recommendations for changes to Title 15, the vehicle and traffic section of the Bloomington Municipal Code. Link to the current Title 15 of the Bloomington Municipal Code:
https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15VETR

The purpose of these recommendations is to address issues that have come to staff attention through public requests, commissions' recommendations, or 180-day orders. The ordinance amending Title 15 and respective maps are included in the meeting packet. This request for changes to Title 15 will be presented to the Traffic Commission and Parking Commission, and it will be forwarded to the Common Council for their consideration.

The ordinance includes the following changes:

- Section 1 adds some stop intersections. Based on the 180-day order 20-02, these streets were constructed by a developer and recently accepted by the Board of Public Works into the City inventory (Neil Kopper).
- Section 2 adds a new pedestrian hybrid beacon signal. Based on the 180-day order 20-03. The New Pedestrian Hybrid Beacon, which facilitates B-Link Trail crossings of S Walnut St, is currently operational (Neil Kopper).
- Section 3 adds a new no parking zone. Based on the 180-day order 20-01. Parking near the intersection of Pinewood at Walnut and along the S curve increases potential for head-on collisions, causing a potential concern for vehicles turning onto W Pinewood Dr from S Walnut St and vice versa when as few as one vehicle is parked along that short span of street just before the intersection (Neil Kopper).

- Section 4 deletes several loading zones from the municipal code that are no longer in existence (Raye Ann Cox and Michelle Wahl). The loading zone locations are included on the Parking Interactive Map and Large Parking Meter Location Maps, link: <https://data.bloomington.in.gov/dataset/parking-maps>.
- Section 5 corrects the time restrictions for one loading zone (Raye Ann Cox and Michelle Wahl).
- Section 6 deletes the current residential neighborhood zone 8, as that zone was absorbed by other zones by a previous ordinance (Raye Ann Cox and Michelle Wahl).
- Section 7 clarifies that the parking services division has the authority to begin the neighborhood parking permit sales process for the upcoming year at any time (Michelle Wahl).

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

ORDINANCE 20-

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"VEHICLES AND TRAFFIC"**

WHEREAS, the Traffic Commission, Parking Commission and city staff from Parking Enforcement, the Planning and Transportation Department, and the Legal Department 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, Schedule A, entitled "Stop Intersections," shall be amended by adding the following:

TRAFFIC ON	SHALL STOP FOR TRAFFIC ON
Addisyn Lane	Countryside Lane
Addisyn Lane	Delila Star Drive
Delila Star Drive	Countryside Lane
Delila Star Drive	Sunstone Drive
Eventide Drive	Addisyn Lane
Eventide Drive	Delila Star Drive
Flat Rock Road	Addisyn Lane
Sunstone Drive	Adams Street

SECTION 2. Section 15.12.030, Schedule D(2), entitled "Pedestrian Hybrid Beacon Signals," shall be amended by adding the following:

PEDESTRIAN HYBRID BEACON SIGNALS			
CROSS STREET	CROSS STREET	FLASHER HOURS AND DAYS	PREFERENTIALITY
Walnut Street	B-Link Trail Crossing		

SECTION 3. Chapter 15.32.080, Schedule M, entitled "No Parking Zones," shall be amended by adding the following:

NO PARKING ZONES				
STREET	FROM	TO	SIDE OF STREET	TIME OF RESTRICTION
Pinewood Drive	Walnut Street	270 feet West of Walnut Street	Both	Any Time

SECTION 4. Section 15.32.100, Schedule O, entitled "Loading Zones," shall be amended by deleting the following loading zones:

LOADING ZONES	
100	Block of West Fourth Street, first space east of College Avenue on south side.
124	North Walnut Street.
	East/West alley between Fourth Street and Kirkwood Avenue and Dunn Street and Indiana Street to 66' East of Dunn Street.
301	North Washington Street from 72' to 112' south of Eighth Street on the west side.
	Seventh Street, first space west of College on north side.
342	South Walnut Street
349	South Walnut Street, two spaces on the east side in front of the Older Americans' Center.
417	East Sixteenth Street, from 102' to 124' west of Dunn Street on the north side.
508	North Morton Street, 68' north of Ninth Street to 77' north of Ninth Street.

SECTION 5. Section 15.32.100, Schedule O, entitled, "Loading Zones," shall be amended by changing the second listed loading zone to the following:

LOADING ZONES	
100	Block of West Fourth Street, first space east of the alley on the north side of Fourth Street from the hours of 5 a.m. to 5 p.m. Monday through Saturday.

SECTION 6. Section 15.37.020, entitled "Applicability" of Residential Neighborhood Parking Permits, shall be amended by deleting the following:

North College Residential Neighborhood Zone (Zone 8) shall apply to the following streets:

Street	From	To	Side of Street
North College Avenue	1 st Alley North of Tenth Street on west side	Eleventh Street	West
North College Avenue	2 nd Alley North of Tenth Street on east side	Eleventh Street	East

SECTION 7. Section 15.37.050, entitled "Fees," shall be amended by adding the following:

- (c) The Parking Services Division has the authority to begin the permit sales

process at any time before August 15 of each year.

SECTION 8. 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 9. This ordinance shall be in effect after its passage by the Common Council and approval by the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

STEPHEN VOLAN, 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 _____ day of _____, 2020.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

SYNOPSIS

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

--It adds stop intersections to South Addisyn Lane at West Countryside Lane and at South Delia Star Drive, to S. Delila Star Drive at West Countryside Lane and at West Sunstone Drive, to West Eventide Drive at South Addisyn Lane and at South Delila Star Drive, to South Flat Rock Road at South Addisyn Lane and to West Sunstone Drive at South Adams Street.

--It adds a new pedestrian hybrid beacon signal at the crossing of South Walnut Street and the B-Link Trail.

--It adds a new no parking zone on West Pinewood Drive from South Walnut Street to South Pinewood lane on both sides of the street.

--It deletes several loading zones from the municipal code that are no longer in existence and corrects the time restrictions for a loading zone on West Fourth Street.

--It deletes the current residential neighborhood zone 8, as that zone was absorbed by other zones by a previous ordinance.

--It clarifies that the parking services division has the authority to begin the neighborhood parking permit sales process for the upcoming year at any time.

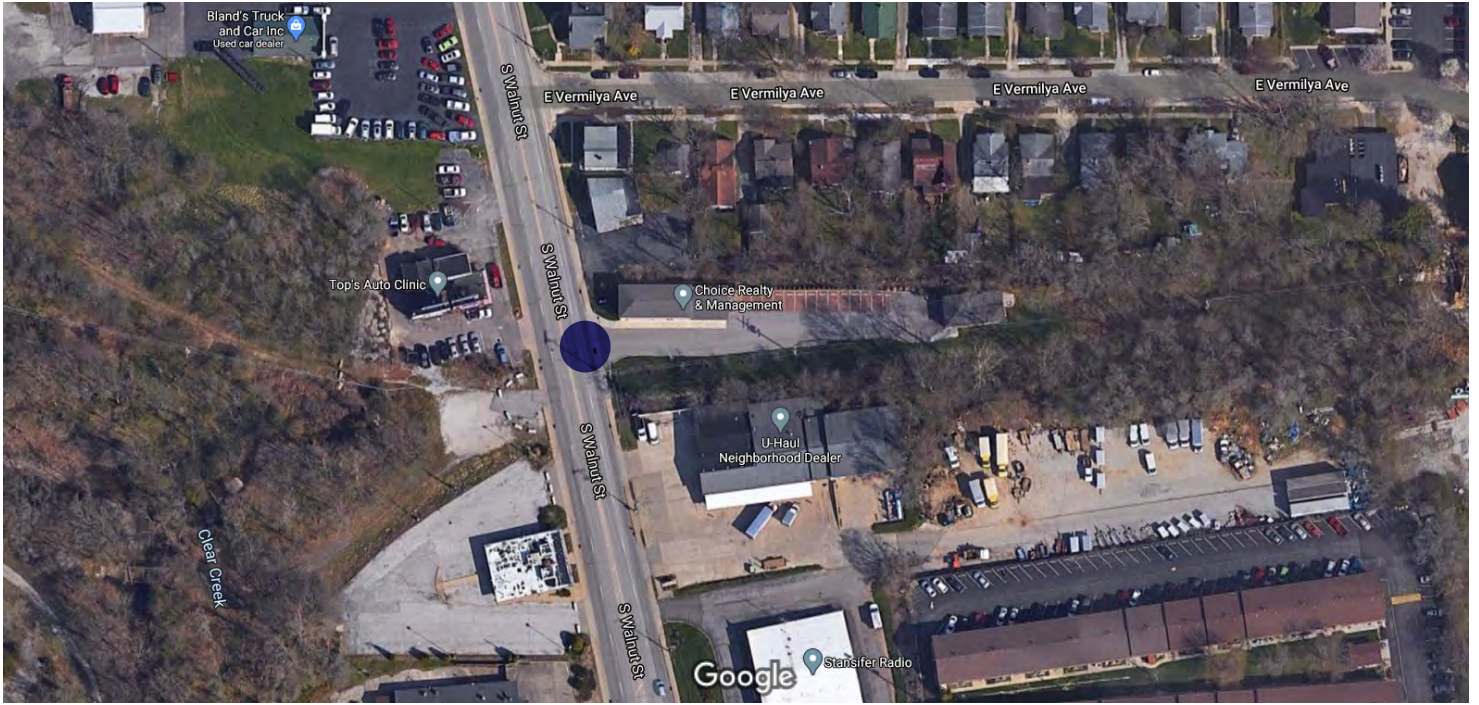
Adding Stop Intersections

To South Addisyn Lane at West Countryside Lane and at South Delila Star Drive, to S. Delila Star Drive at West Countryside Lane and at West Sunstone Drive, to West Eventide Drive at South Addisyn Lane and at South Delila Star Drive, to South Flat Rock Road at South Addisyn Lane and to West Sunstone Drive at South Adams Street.



Adding Pedestrian Hybrid Beacon Signals

At the crossing of South Walnut Street and the B-Link Trail

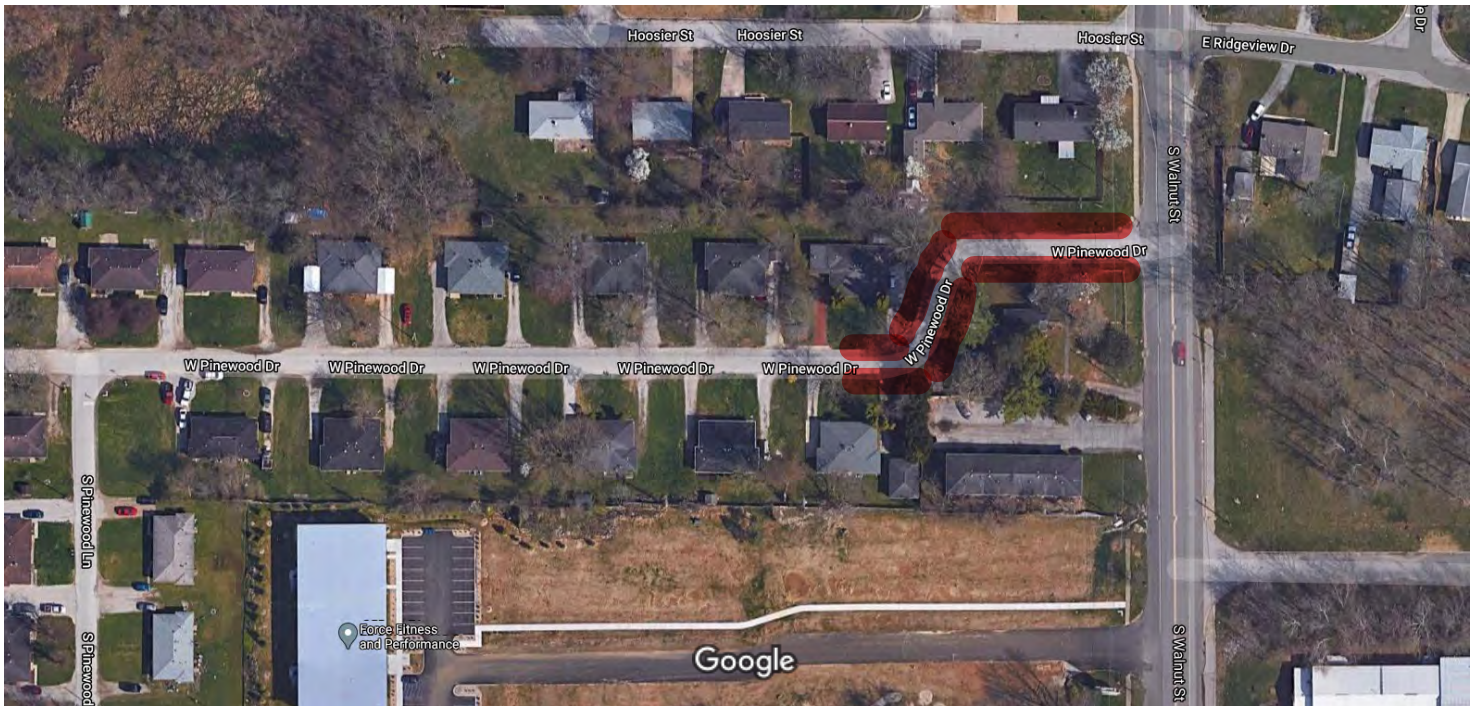


Imagery ©2020 IndianaMap Framework Data, Maxar Technologies, Map data ©2020 50 ft



Adding a New No Parking Zone

On West Pinewood Drive from South Walnut Street to 270 feet West of South Walnut Street on both sides of the street





MEMORANDUM

To: Traffic Commission
From: Sara Gomez, Public Improvements Manager
Date: September 23, 2020
Re: Title 12, Chapter 12.08 Updates

Background

The Planning and Transportation Department has been discussing revisions to Chapter 12.08 for a few years. This Chapter, titled 'Excavations', is in place to ensure staff has a permit for excavation in the City right of way from utility companies, developers, contractors and constituents who need to excavate in the City right of way. The conditions of the permit ensure that insurance and bonding are in place and repairs to excavations are to a standard that protect public facilities. The discussion of revisions was in response to staff concerns regarding the fee schedule, enforcement, and lack of right of way use language. Staff compiled a list of goals for Chapter 12.08 revisions that included the following items:

- Create a common sense fee structure.
- Streamline the enforcement system.
- Include right of way use language.
- Include specific reconstruction requirements.
- Include re-establishment of pavement guidelines.

The proposed changes are relevant to the following Programs from Chapter 6 of the Comprehensive Plan:

- Enhance the standards for maintenance of traffic and ADA compliance approvals.
- Manage right of way use and excavation policies, permits, and work to meet desired standards and specifications.
- Inspect all capital projects (City and non-City) to assure compliance with applicable standards and specifications.

Recommendations

After review and analysis, such as researching right of way permitting/use code for similar cities, comparing fees using the current fee schedule to the fees using the proposed fee schedule, reviewing other violation/enforcement language within the BMC, coordinating with Public Works staff regarding right of way use and reconstruction requirements, and discussions with various stakeholders regarding the walk around language, staff believes the proposed updates will address the concerns of staff and other stakeholders. A detailed Title 12 amendment has been prepared and is scheduled for the Common Council for their consideration on October 7th, 2020. The proposed draft has been included in the packet for review. The most notable changes are as follows:

Planning and Transportation Department

- Change Chapter title to 'Use of the Right of Way.'
- Language added throughout the chapter to address the use of the right of way "...closing, prohibiting access to..."
- Fee schedule changes and additions including an application fee, updated fees for excavation types and the addition of right of way use fees for street, sidewalk, and bike lane closures as well as storage fees. The fee schedule currently exists in Title 17 and would be removed and updated in Title 12.
- Additional language for required site plans to include MUTCD compliant maintenance of traffic plans.
- Bond amounts updated for types of excavations and additional bond amounts added for right of way use for street, sidewalk, and bike lane closures as well as storage.
- 'Obstructing sidewalk- Walk around Requirements' has many updates.
- 'Refilling of Excavations' section has additional language from a memorandum passed years ago by the Board of Public Works regarding excavation on a street that has been paved in the last 3 years.
- The 'Violations' section has a proposed replacement 'Enforcement and Penalties' with numerous changes that are reflective of other enforcement chapters in the BMC. This chapter includes a new Fines schedule.

Chapter 12.08- Use of the Right of Way

12.08.010- Compliance with chapter required.

It is unlawful for any person to do, cause or permit to be done any closure, impediment, digging, cutting or excavating to any street, right-of-way, alley or public place, or into or through any pavement thereon, in the city except in accordance with and as provided for in this chapter.

12.08.020 – Right-of-Way Use Permit Required

Any person closing, prohibiting access to, digging, cutting or excavating on or causing the same to be made in pavements or adjacent to pavements shall take out a right-of-way use permit as required by this chapter. A person shall not begin the aforementioned activities until a right-of-way use permit has been duly granted as provided in this chapter. The right of way use permit shall be kept on site in paper or digital form and be able to be produced as requested by city staff.

12.08.030-Application and Permit fee.

Any person desiring to close, prohibit access to, or make any opening or excavation contemplated by this chapter is subject to application and permit fees as described:

- (a) The application fee covers the cost of submitting an application for review. The fee does not guarantee the issuance of a permit upon review. The application fee is due upon submittal of the application for review and will not be refunded upon rejection of the application by City staff or cancellation of application by the applicant.
- (b) The permit fee is the cost associated with the issuance of the permit upon approval. The permit fee is due before the permit is issued to the applicant.

The application and permit fees to close, prohibit access to, or make any opening or excavation contemplated by this chapter are specified in Section (12.08.040_FEE TABLE) of the Bloomington Municipal Code and shall be paid to the city's transportation and traffic engineer, or his or her designees, prior to closing, prohibiting access to, or making an opening or excavation. Application and permit fees may be adjusted or waived at the discretion of the Board of Public Works and/or The Office of the Mayor. The following entities, or their designees, are exempt from having to pay the fee required by this section and by Section (12.08.040_FEE TABLE):

- (a) City of Bloomington Utilities Department;
- (b) Indiana University;
- (c) Monroe County;
- (d) State of Indiana;
- (e) Not-for-profit agencies with a 501(c)(3) designation; and
- (f) Any utility or entity performing work on a device or appurtenance owned or operated by and at the direction of the city.

(Ord. 86-49 § 1 (part), 1986; Ord. 75-55 § 1, 1975; prior code § 23-16).

(Ord. No. 14-11, § 96, 7-2-2014; Ord. No. 16-06, § 3, 4-20-2016)

12.08.040-Fee Table

(a) The right of way use and excavation fees shall be as follows:

Application	Fee
Right of Way Use/ Excavation	\$100.00
Use Type	Fee
Street; asphalt or concrete	\$1.00 per square ft of surface disturbance
Pushorbore	\$0.10 per lineal ft
Replacement/Removal of poles	\$35.00 per pole
Residential Driveway installation	\$10.00
Grass, dirt, gravel, landscape area, or other unpaved surface	\$0.10 per square ft
Sidewalk, asphalt or concrete Reconstruction	\$0.10 per Square ft
Sidewalk asphalt or concrete new construction	\$0.05 per Square ft
Storage of Dumpsters or Construction Materials *non-metered location	\$50.00
Lane, Bike Lane, or Sidewalk Closure*	\$100.00 per week
Street Closure*	\$200.00 per week
Re-inspection Fee	\$25.00

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*Each closure type will be charged individually. Each closure type located on a different block will be charged as a separate closure. All items related to the same project can be listed on the same application as to only charge one application fee.

12.08.050- Permit application and site plan required.

Any person desiring to close, prohibit access to, or make any opening or excavation contemplated by this chapter shall file the following with the transportation and traffic engineer, or his or her designees:

- (a) An application for right of way use which shall contain all information deemed necessary by the transportation and traffic engineer;
- (b) A site plan which may identify the following and/or additional details, at the discretion of the transportation and traffic engineer:
 - (1) The specific location of all utilities already located in the right-of-way;
 - (2) The specific location of all signs already located in the right-of-way;
 - (3) The specific location of all structures, either privately or publically owned, already located in the right-of-way;
 - (4) The distance from all streets, alleys, driveways, entrances, intersections, and/or road cuts wherein the excavation will be made and the device or structure being installed as a result of the excavation will be located;
 - (5) The specific location of all proposed utilities. (Prior code § 23-17); and
 - (6) A maintenance of traffic plan that is compliant with the Manual on Uniform Traffic Devices (MUTCD).
- (c) A bond in accordance with §12.08.060; and
- (d) A certificate of insurance in accordance with §12.08.080.

(Ord. No. 14-11, §§ 97, 98, 7-2-2014; Ord. No. 16-06, § 4, 4-20-2016)

12.08.060- Bond required-Amount-Conditions.

At the time of filing the application under the provisions of Section 12.08.030, the person desiring to close, prohibit access to, or make any opening or excavation shall also file a bond payable to the city with the transportation and traffic engineer, or his or her designees.

The bond shall be in a sum as shown in Section 12.08.07 or as designated by the transportation and traffic engineer, or his or her designees. Bond amounts are per permit unless a larger bond is on file in an amount sufficient to encompass multiple active permits.

The transportation and traffic engineer, or his or her designees, may require a bond in an amount not to exceed the total projected cost of the project, plus twenty-five percent, in the event such bond is deemed necessary to ensure performance of the contractor.

Bonds shall be conditioned to hold the city harmless from any loss, cost or damage by reason of such proposed work, and that the same shall be done in all respects in conformity with the requirements of all laws regulating the same.

A single or continuing bond may be required to embrace all work of an applicant for a period of time between the date of the execution of the bond and two years after the date of completion of the project as determined by the transportation and traffic engineer, or his or her designees.

Entities with a bonding agreement approved and filed with the Board of Public Works shall be exempt from this section. The following entities are eligible for this bonding agreement:

- (a) City of Bloomington Utilities Department;
- (b) Indiana University;
- (c) Monroe County Community School Corporation;
- (d) Monroe County;
- (e) State of Indiana;
- (f) Indiana Department of Transportation
- (g) Not-for-profit agencies with a 501(c)(3) designation; and
- (h) Any utility or entity performing work on a device or appurtenance owned or operated by and at the direction of the city.

Contractors hired by these entities are required to have a bond on file with the city unless otherwise approved in the agreement approved and filed with the Board of Public Works.

(Ord. 86-49 § 1 (part),1986: prior code§ 23-18).

(Ord. No. 14-11, § 99, 7-2-2014; Ord. No. 16-06, § 5, 4-20-2016)

12.08.070- Bond Amounts.

Permit	Bond Amount (per permit)
Street Cut	\$20,000.00
Pushorbore	\$5,000.00
Placement/Removal of poles	\$5,000.00
Residential Driveway installation	\$5,000.00
Storage of Dumpsters or Construction materials:	\$5,000.00
Sidewalk Replacement	\$5,000.00

Commercial Driveway installation	\$10,000.00
Storage of Dumpsters or Construction Materials	\$5,000.00
Lane, Bike Lane, or Sidewalk Closure	\$5,000.00
Street Closure	\$5,000.00

12.08.080- Insurance and indemnity.

Each applicant for a permit under this chapter shall provide a certificate of liability insurance to the transportation and traffic engineer, or his or her designees, upon a form approved by the corporation counsel of the city, insuring the applicant, and naming the city as co-insured, against the following liabilities and in the following amounts relative to such activity:

- (a) Personal injury: one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate; and
- (b) Property damage: fifty thousand dollars per occurrence and one hundred thousand dollars in the aggregate.

Each applicant for a permit under this chapter shall provide a document approved by the corporation counsel for the city, in which the applicant agrees to indemnify and forever hold harmless the city for losses and/or expenses arising from the opening and excavating work performed pursuant to a permit issued under this chapter.

(Ord. No. 16-06, § 6, 4-20-2016)

Editor's note- Ord. No. 14-11, § 100, adopted July 2, 2014, repealed § 12.08.060 which pertained to deposit for restoration of a surface and derived from § 23-19 of the prior code. Ord. No. 16-06, adopted April 21, 2016, enacted a new § 12.08.060 as set out herein.

12.08.090- Permit issuance.

It shall be the duty of the transportation and traffic engineer, or his or her designees, upon the filing of the application, site plan, approved bond, proof of insurance, and the payment of a fee as required by this chapter, to issue to the petitioner a permit to, close, prohibit access to, or make such excavation and do such work, and such permit shall describe the kind and location of the same. Staff may deny permits deemed incomplete or for work not in the public's interest as determined by the transportation and traffic engineer. The permit may also describe any restrictions or special instructions by which the responsible party to the permit must abide. (Prior code § 23-22).

(Ord. No. 14-11, § 103, 7-2-2014; Ord. No. 16-06, §§ 1, 7, 8, 4-20-2016)

Editor's note- Ord. No. 16-06, §§ 7, 8, adopted April 21, 2016, repealed §§ 12.08.070 and 12.08.080, which derived from Ord. 86-49li (part), adopted 1986: prior code § 23-20, and Ord. No. 14-11, § 101, adopted July 2, 2014, and renumbered §§ 12.08.090-12.08.110 as §§ 12.08.070-12.08.090. The historical notation has been retained with the amended provisions for reference purposes.

12.08.100- Traffic Control Devices

Traffic control plans for all streets, sidewalks, bike lanes or other city right of way within the city shall be made in compliance with the Indiana Manual on Uniform Traffic Control Devices. Other specific safety precautions may be required by the transportation and traffic engineer, or his or her designees. All proper traffic control devices including but not limited to barricades, signage, lights, temporary markings, cones, and other safety precautions shall be maintained by the party to whom the permit was issued under the provisions of this chapter until construction has been inspected and approved by the transportation and traffic engineer, or his or her designees. Deviation from or failure to maintain approved traffic control plans shall be considered a violation of this chapter and shall be subject to penalty as described in chapter 12.10.

12.08.110 - Obstructing sidewalk—Walk around Requirements

If it is necessary to obstruct or block a sidewalk for a period in excess of twenty-four hours, then the party who has applied for the right of way use permit shall provide a walk around for such area. The walk around shall consist of a walk not less than five feet wide, be protected by continuous concrete or water filled barricades with impact attenuators at each end for oncoming traffic, and have PROWAG compliant access. All IMUTCD guidelines must be followed including, but not limited to, advance warning signs. All OSHA guidelines must be followed. Other conditions for walk arounds may be required by the transportation and traffic engineer, or their designees, including, but not limited to, the following; concrete or water filled barricades on each side, railings 5 feet high on each side, electric lighting at night, overhead protection, rumble strips, changeable message signs, hazard identification beacons, flags, and warning lights. The transportation and traffic engineer may require a pedestrian detour or other accommodations instead of a walk around if necessary in accordance with IMUTCD or OSHA guidelines. Deviation from or failure to maintain approved walk around shall be considered a violation of this chapter and shall be subject to penalty as described in chapter 12.10.

12.08.120- Location of mains and pipes-Supervision of work.

It shall be the duty of the responsible party in connection with all work contemplated by this chapter, through its duly authorized agents, to determine the proper location for all utilities including, but not limited to, water, gas, storm and sanitary sewer. It shall also be the duty of the responsible party to coordinate repair and incur expenses if there are damages to existing utilities due to their work. The transportation and traffic engineer or his or her designee may supervise the replacement of the excavation and pavements and see that all work in connection therewith is completed and in compliance with all federal, state, and local safety requirements and specifications required hereunder. The following persons shall be considered responsible parties, in connection with all work contemplated by this chapter:

- (1) The property owner;
- (2) Persons with any possessory interest in the property; and
- (3) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, took part in the work.

(Ord. 86-49 § 1 (part), 1986: prior code§ 23-23).

(Ord. No. 14-11, § 104, 7-2-2014; Ord. No. 16-06, §§ 7, 8, 4-20-2016)

Note- See the editor's note to § 12.08.070.

12.08.130- Excavation materials and backfill

Any responsible party receiving a permit under the provisions of this chapter pile any excavation material in a neat pile within the approved right of way use construction area in such a manner as does not present safety or erosion control hazards All unused backfill shall be hauled away the same day unless approved by the transportation and traffic engineer or his or her designee for later removal.

(Ord. 86-49 § 1 (part), 1986: prior code§ 23-24)

(Ord. No. 16-06, §§ 7, 8, 4-20-2016)

Note- See the editor's note to § 12.08.070.

12.08.140- Refilling of excavations.

After any work requiring excavation has been properly completed, the responsible party to the permit under the provisions of this chapter shall refill that portion of the street, alley, right-of-way, or public place excavated and restore the excavated area in accordance with specifications and standards as set forth by the transportation and traffic engineer. Excavation done on a street that has been paved in the last three years shall require mill and pave of the full traffic lane or lanes as determined by the transportation and traffic engineer.

In the event the responsible party fails to follow the above requirements or the refilling of the excavation fails, the city may refill the excavation, or employ another contractor to do so, at the

expense of the responsible party. Such expense may be deducted from the bond required by Section 12.08.060. Fines may also be assessed per the fine schedule 12.10 for non-compliance. In the event a second inspection of the refilled excavation is necessary as a result of noncompliance with any section herein, a re-inspection fee of twenty-five dollars shall be charged by the transportation and traffic engineer, or his or her designees, for each subsequent inspection that occurs.

(Prior code § 23-25).

(Ord. No. 14-11, § 105, 7-2-2014; Ord. No. 16-06, § 9, 4-20-2016)

Editor's note- Ord. No. 16-06, II adopted April 20, 2016, repealed § 12.08.120, enacted a new in its place, and renumbered §§ 12.08.130-12.08.160 as 12.08.110-12.08.140. The historical notation has been retained with the amended provisions for reference purposes.

12.08.160- Protection of sides of excavation-Injury to adjoining right of way.

Any person making excavations or causing the same to be made in pavements or adjacent to pavements, shall so protect the sides of the excavation that the adjoining soil shall not cave in. It is unlawful for any person to excavate so as to undermine or injure any adjoining right of way including, but not limited to, curbs, streets, tree plots and sidewalks.

(Prior code § 23-28).

(Ord. No. 16-06, § 9, 4-20-2016)

Note- See the editor's note to § 12.08.100.

12.08.170 - Emergencies

A utility described in Section 12.12.010 may perform a closure of and excavation in the city's right-of-way without having a permit to do so under this chapter in the event an emergency necessitates closure and excavation work. An emergency is defined as a sudden and unexpected event that, if left uncorrected, will cause serious damage to property or jeopardize the safety and health of persons.

Any emergency closure in city right-of-way shall be done in compliance with the Indiana Manual on Uniform Traffic Control Devices temporary traffic control guidelines. Excavations must be repaired to city standard for temporary or final repair as described in City standard drawings.

In the event an emergency occurs, the affected party shall contact staff from the planning and transportation department and/or the public works department to inform them of the excavation work being performed.

When closure and excavation due to an emergency occurs, the contractor conducting such emergency closure and excavation shall have current bonding and insurance on file with the city per requirements in Sections 12.08.060 and 12.08.080. The contractor conducting such emergency closure and excavation shall file an application for a permit no later than seventy-two (72) hours from the commencement of the said emergency work.

(Ord. No. 16-06, § 10, 4-20-2016)

Note- See the editor's note to § 12.08.100.

Chapter 12.10 - ENFORCEMENT AND PENALTIES

12.10.010 - Authority.

All departments, officials and public employees of the city that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of this title of the Bloomington Municipal Code (BMC) and shall issue no permit for any use, excavation, activity or purpose which would be in conflict with the provisions of this title. Any permit issued in conflict with the provisions of this title shall be null and void. The transportation and traffic engineer and his or her designee are designated enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of this title.

12.10.020 - Penalties and remedies for violations.

(a) For the purposes of this chapter, a violation shall be defined as violation of or failure to comply with:

(1) Any provision or requirement of this title; or

(2) The required elements of the submission on the basis of which any permit or approval has been rendered hereunder.

(b) Any violation as defined herein is hereby declared a common and public nuisance, and any person who is a responsible party as defined in Section 12.10.050(a) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

(c) Any violation, as defined in subsection (a) above, shall be subject to the penalties and remedies provided in this chapter, and the city shall have recourse to any remedy available in law or equity.

(d) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this chapter. A violation continues to exist until corrected. Correction includes, but is not limited to:

- (1) Cessation of an unlawful practice;
- (2) Removal of a building, structure, or other improvement;
- (3) Faithful or otherwise-approved restoration or replacement of a building, structure, site, excavation, traffic control devices, walk around, or natural feature;
- (4) Any other remedy specified in this title; and/or
- (5) Other remedy acceptable to the city.

(e) The city legal department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 12.10.050(d) of this chapter; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this title or any condition, requirement, or commitment established in connection with this title or any development approval hereunder.

(f) In addition to all other penalties and remedies provided for herein, where the violation is removal of one or more trees contrary to Section 20.05.044, EN-07 (Environmental standards—Tree and forest preservation), the responsible party shall meet the requirements listed in 20.10.020(g).

(g) In addition to all other penalties and remedies provided for herein, where the violation is disturbance of other environmental constraints as outlined Chapter 20.05, EN (Environmental Standards), the responsible party shall be required to meet the requirements listed in 20.10.020(h).

(h) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

12.10.030 - Administration.

The transportation and traffic engineer or his or her designee shall maintain a record and tabulation of all complaints and investigations, and the resolutions of those complaints, whether made by citizens or by staff; communicate with citizen complainants about the progress being made in investigating and resolving their complaints; and report to pertinent boards or commissions on an as-needed basis.

12.10.040 - Penalty.

(a) Any violation that is subject to this chapter shall be subject to a civil penalty of not more than two thousand five hundred dollars for each such violation, and not more than seven thousand five hundred dollars for the second and any subsequent violation, in addition to any and all other remedies available to the city, except where a lesser fine is specified herein.

(b)

Right of Way Use Violation	Fine
Right of Way Closure or Excavation without a permit	\$ 500.00 maximum not to exceed allowed under (12.10.040)
Unrepaired damage to right of way following excavation	100.00
Failure to comply with city standards and specifications for right of way repairs	100.00
Right of way use without approved maintenance of traffic plan	500.00

Failure to maintain approved maintenance of traffic plan; including but not limited to maintaining compliant traffic control devices	100.00
Failure to have permit on site	100.00
Failure to reopen right of way per approved dates for right of way use permit	250.00

12.10.050 - Enforcement procedures—Notices of violation.

(a) If the transportation and traffic engineer or his or her designee finds that any violation subject to this chapter is occurring, or has occurred, a notice of violation (NOV) may be issued to the responsible party. Such notices of violation may be further accompanied by additional warnings following the same procedures of this chapter. For purposes of issuing a notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:

- (1) The property owner;
- (2) Persons with any possessory interest in the property; and
- (3) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue.

(b) The notice of violation (NOV) shall be in writing and shall be served on all of the responsible parties in one or more of the following manners: delivery in person or by first class mail. The notice of violation shall state:

- (1) The location of the violation;
- (2) The nature of the violation;

- (3) The date the violation was observed;
- (4) The daily fine assessed for the violation;
- (5) Additional remedies the city may seek for violation;
- (6) That the fine is paid to the city of Bloomington;
- (7) That the notice of violation may be appealed to the board of public works; and
- (8) That the fine may be contested in the Monroe County Circuit Courts.

(c) Each item of noncompliance enumerated on the notice of violation shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall accrue from the date the violation commenced.

(d) In addition to issuing a notice of violation (NOV), the transportation and traffic engineer or his or her designee may utilize and/or seek through legal proceedings one or more of the following remedies:

- (1) Revoke or withhold other approvals, certificates and/or permits relevant to the site on which the violation has occurred or to the parties committing the violation; and/or
- (2) Issue a stop work order; and/or
- (3) Request the county building department to issue a stop work order and request the building official to suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred; and/or
- (4) Draw on a performance or maintenance surety, as necessary, to effect any remedial actions required to abate the violations; and/or
- (5) Revoke the permits, certificates and/or approvals that have been violated; and/or
- (6) Any and all penalties and remedies listed in Section 12.10.020, Penalties and remedies for violations.

12.10.060 - Appeals.

(a) Intent. The purpose of this section is to outline the procedure employed by the city in order to afford citizens an avenue of appeal when there is some doubt that an administrative official, staff member, administrative board or other body, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing any part of this title.

(b) Applicability. An administrative appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, staff member, administrative board or other body, charged with the administration or enforcement of any part of this title.

(c) Application.

Filing Deadline. An administrative appeal must be filed with the Public Works Department within seven days of the order, requirement, decision, or determination that is being appealed.

(d) Review. At their next regularly scheduled public meeting, the Board of Public Works shall review:

- (1) The written statement and supportive material submitted by the appellant;
- (2) The record of action supplied by the administrative official or body from which the appeal is taken;
- (3) The written and oral testimony of the public;
- (4) The testimony of the appellant; and
- (5) The testimony of the administrative official or body from which the appeal is taken;

(e) Decision. The Board shall issue its decision to uphold or deny the appeal to waive or adjust fines

(f) Fines levied for violations may be challenged in the Monroe County Circuit Court and must be filed within seven days.