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Sent: Wednesday, August 14, 2019 3:10 PM
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Subject: Complete Streets Ordinance
Importance: High

Sent on behalf of Councilman Scott Reed...

Mr. King,

Thank you for being available for questions during yesterday's Planning and Zoning Committee Meeting. Having reviewed the ordinance, I had a number of questions. Not wanting to bog the committee down, I decided to ask a few questions during the committee meeting, and then submit the remainder to you for response via e-mail so as not to waste the time of others or prevent the ordinance from being tabled. Below are questions that I have related to the ordinance. The first few were asked during the committee meeting. The remainder will help me understand and feel more comfortable with how this ordinance will or will not affect the operation of Metro Government in terms of paving and sidewalk replacement.

Complete Streets Ordinance Questions

Section 2 (E) This ordinance applies to Transportation Projects countywide, but Metro shall prioritize policy implementation in neighborhoods that contain all or portions of one or more census tracts with more than 51% of households living at or under 80% of AMI as defined by the US Department of Housing and Urban Development, areas with poor health outcomes and areas with diminished access to transportation options .

Q: Have you considered what portion of our community falls within the categories defined in Section 2 (E). Would you provide the committee/Metro Council members a map that shows those areas that would fall within the threshold outlined in this section of the ordinance?

Response: The census tract map is attached as requested

Q: The ordinance states that there are three criteria for inclusion in the prioritized area. One is AMI and the other two are related to "Health Outcomes" and "Access to Transit". The ordinance uses the term "AND" not "OR". Does this mean that for an area to qualify it must meet all three criteria? If it isn't required to meet all three criteria the term "OR" should probably be used instead. If "OR" is the case, then we have issues with the subjective nature

of two criteria as it isn't easily defined and instead could make it much easier for administrators to include or exclude areas based on their individual views and preferences.

Response: The language should be amended to "or."

Q: We have a deferred maintenance plan both for roads and for government facilities. Would this list have any impact on how roads are selected for repaving, repair or adjustment in its engineering?

Response: This ordinance would not change the paving or sidewalk repair plan that has been presented to the Metro Council.

Section 3 (A) 2. Exclusions. "Routine Maintenance" that does not change the roadway geometry or operations.

Q: Would you please elaborate on what sort of thing falls within this type of "Routine Maintenance"? Are we talking about repaving, filling potholes, etc. What about adding a turn lane or traffic light?

Response: Routine maintenance would be pothole patching, pavement marking refreshing, traffic signal repair or drainage repairs and some paving projects. Basically, any project that isn't changing the geometry or operation of the roadway. For example, the one-way to two-way conversion project on 3rd Street would change the operation of the street and would be subject to the ordinance. However, because the street has sidewalks and bus stops, it would be considered a complete street. New turn lanes or new traffic lights would be subject to the ordinance since it is a change in geometry or operation. None of these will mandate Complete Streets implementation, such as a new sidewalk; it will require Metro to consider implementation and those considerations will be examined on a case by case basis. This ordinance will not delay the delivery of projects as Metro staff are already considering these elements. The amendments add metrics and more definition around complete streets performance.

Q: When roads are currently repaved, is it the policy to make ADA compliant changes to sidewalk entrance/crossing ramps? Constructing new updated ramps, sometimes in places where ramps were installed within a matter of years prior, can add much cost to a paving project. Do you have an estimate on what the additional cost for implementing this policy will be per lane mile?

Response: Upgrading or adding handicap ramps is required with every paving project as part of the Federal ADA requirements so the cost of these upgrades are incidental to paving and

already factored into our unit prices. This is a federal mandate so not something we have the discretion to eliminate.

Section 3 (B) 1. Exclusions. The cost of complying with Police on a project would substantially exceed the public value to be realized, taking into consideration the need and probable use of the project.

Q: Substantially is not a defined term and will be subject to the administrator overseeing compliance. I would prefer having this be clearer. Is the substantiality considered in relationship to the overall cost as a total price, as a % of the project cost? What is the matrix for understanding the cost vs. public good? Also is consideration being given for the long term public good, meaning ten years from now not just today?

Response: The ordinance refers to "Policy" not "Police" just for clarification. Just like the current policy, the amendment does not mandate that we implement complete streets on any project, but rather that they are always considered. This language provides Metro the flexibility to consider a cost/benefit analysis in determining the practicality of implementation. It wouldn't be practical to add pedestrian, bike or transit accommodations if there is no latent demand or unlikely to be warranted in the future.

Q: When a street is being constructed by a private entity for something like a development, would the business be expected to comply with our complete streets ordinance? If an exemption is granted, is there a "fee in lieu" tacked onto the project to facilitate other projects in the area?

Response: This policy makes no regulatory changes to the Land Development Code. All privately constructed roadways would still be required to operate under the existing regulations. A waiver or fee-in-lieu could still be applied for in cases of hardship and the Planning Commission and/or Metro Council would determine the validity of the request.

Section 3 (B) 2. Exclusions. Compliance with Policy would substantially impact unique characteristics of great public value such as historical importance or sensitive environmental characteristics.

Q: We have had issues in the past where essentially the call had to be made between cutting down a large tree vs. making something ADA compliant. Is this the type of thing that this ordinance is considering with this text?

Response: ADA compliance will always be the controlling factor. We will look at alternatives, such as sidewalk relocation or technical infeasibility when we have projects in sensitive areas. Technical infeasibility means we will make every attempt to comply with ADA but may have to deviate slightly from the regulation. The referenced Complete Streets Ordinance

language will give us the flexibility to determine if the historical or environmental costs outweigh the complete streets benefit. This will predominately be derived from a public process.

Deferred Maintenance for Sidewalk Repair:

Q: The Metro Council has increased funding over the past 3-4 years for sidewalk repair/replacement. This included a more comprehensive review of the condition of our sidewalks. Will this policy change the order in which sidewalk repairs are made? Would this ordinance place a higher priority on sidewalks in need of replacement in one part of the community over those in similar shape in another part just because of the prioritization set forth within this ordinance?

Response: Beginning in FY 22 we will be prioritizing sidewalk repairs based on the sidewalk inventory and not from reported hazards. Repairs will be prioritized based on the latent demand using the pedestrian demand map, proximity to transit, hospital/assisted living, school/community/government facilities, employment centers and business districts, and concentrations of 4's & 5's

Q: Does this ordinance have a timeline in mind for when the practical application of the ordinance will have infiltrated all corners of the community?

Response: If adopted, the Complete Streets Policy would go into effect immediately for all of Louisville Metro. Consideration for implementation would occur based on the criteria set forth in the ordinance (changes to the geometry of a roadway, new construction, etc.)

Thank you for your time and consideration of these questions. I look forward to receiving your responses prior to our vote next week and welcome you to contact my office if you are in need of clarity on any of the questions posed within this document.

Sincerely,

Scott