

# Model Local Ordinance on Complete Streets

Developed by the National Policy & Legal Analysis Network  
to Prevent Childhood Obesity (NPLAN), a project of  
Public Health Law & Policy (PHLP)

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## **Introduction**

“Complete streets” allow people to get around safely on foot, bicycle, or public transportation. Streets designed only for cars are dangerous for everyone else, and contribute to the obesity epidemic, by making it difficult for children and adults to get regular physical activity during their daily routine. In contrast, complete streets are safer, more convenient, and comfortable not only for drivers but also for pedestrians, bicyclists, children, and people with disabilities.

### **Model Local Ordinance**

Local governments have the power to fight childhood obesity and improve community health by passing complete streets policies that foster streets safe for active travel. At the National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN), we developed this Model Local Ordinance on Complete Streets to assist localities in making streets safe, comfortable, and convenient for everyone. Our models are developed by thoroughly surveying existing law, conducting extensive legal research, and consulting legal and policy experts. Using these models, jurisdictions can feel confident in passing laws to improve community health. Because NPLAN is a national program, we cannot provide legal analysis that is tailored to each state’s laws; it is important to consult local counsel, who may need to alter elements of this model to comply with state law. In addition, states vary widely in how their transportation systems are organized and administered, so local counsel may need to assist with any necessary customization.

### ***Local Resolution Versus Local Ordinance***

NPLAN has also developed a Model Local Resolution on Complete Streets. The model resolution encourages local agencies to approach every street project as an opportunity to make streets safe and welcoming for all users, but it is more exploratory and less directive than the model ordinance. Resolutions are often procedurally easier to enact than ordinances, and they can be an effective first step for a local government. A jurisdiction may pass a complete streets resolution and later go on to pass a law, but a resolution is not necessary where the complete streets law is adopted.

## Policy Options

The model offers a variety of policy options. In some instances, alternate language is offered (e.g., [ *night / day* ] ) or blanks have been left (e.g., [ \_\_\_\_\_ ] ) for the language to be customized to fit the needs of a specific community. In other instances, the options are mentioned in annotations (“comments”) following the legal provisions. In considering which options to choose, drafters should balance public health benefits against practical political considerations and other local conditions in the particular jurisdiction. One purpose of including a variety of options is to stimulate broad thinking about the types of provisions a community might wish to explore, even beyond those described in the model. NPLAN is interested in learning about novel provisions that communities are considering. Please contact us through our website: [www.nplan.org](http://www.nplan.org).

## Findings

An appendix entitled “Appendix A: Findings” accompanies this model. The Findings supply a variety of evidence-backed factual conclusions that support the need for adoption and implementation of a complete streets policy. Each jurisdiction should select those findings it views as most appropriate, and add findings related to specific community conditions or concerns.

## An Ordinance of the [ Municipality (E.G. City Of \_\_\_\_\_) ] Providing for Complete Streets and Amending the [ Municipality ] Municipal Code

The [ Adopting body ] does ordain as follows:

**SECTION I. FINDINGS.** The [ Adopting body ] hereby finds and declares as follows:

### **SEE APPENDIX A: FINDINGS**

A draft ordinance based on this model should include “findings” of fact (“whereas” clauses) that support the need for the municipality to adopt the ordinance. The findings section is part of the ordinance, but it usually does not become codified in the local government code. The findings contain factual information supporting the need for the law – in this case, documenting the need for complete streets. A list of findings supporting this model ordinance appears in “Appendix A: Findings.” Municipalities may select findings from that list to insert here, along with additional findings addressing the need for the ordinance in the particular community.

**NOW THEREFORE**, it is the intent of the [ Adopting body (e.g., city council) ] in enacting this ordinance to encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of [ Municipality ] by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation.

**SECTION II.** [ Article / Chapter ] of the [ Municipality ] Municipal Code is hereby amended to read as follows:

**Sec. [ \_\_\_\_ (\*1) ]. PURPOSE.** The purpose of this [ article / chapter ] is to enable the streets of [ Municipality ] to provide safe, convenient, and comfortable routes for walking, bicycling, and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of the streets, including children, older adults, and people with disabilities.

**COMMENT:** Municipalities may add additional reasons to this purpose clause as appropriate or desired.

**Sec. [ \_\_\_\_ (\*2) ]. DEFINITIONS.** The following words and phrases, whenever used in this [ article / chapter ], shall have the meanings defined in this section unless the context clearly requires otherwise:

**COMMENT:** Municipal codes contain many definitions; municipalities should ensure that the definitions from this ordinance appear in the correct section and that modifications occur as needed.

- (a) “Complete Streets Infrastructure” means design features that contribute to a safe, convenient, or comfortable travel experience for Users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes [, as well as other features such as insert other accommodations if desired] [, and those features identified in insert name of Municipality’s Pedestrian/Bicycle Master Plan if it exists].

**COMMENT:** Although features such as street trees and landscaping have traditionally not been included in transportation infrastructure, these features are crucial for pedestrian comfort and safety. They are incorporated into this definition to ensure that Complete Streets Infrastructure addresses the needs of all Users.

- (b) “Street” means any right of way, public or private, including arterials, connectors, alleys, ways, lanes, and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network.

**COMMENT:** This definition of “street” includes both public and private streets, and is broader than similar definitions contained in most municipal codes. The effect is to make many provisions of this ordinance applicable or potentially applicable to private streets.

- (c) “Street Project” means the construction, reconstruction, retrofit, maintenance, alteration, or repair of any Street, and includes the planning, design, approval, and implementation processes [, except that “Street Project” does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes] [and does not include projects with a total cost of less than \$[ ]].

**COMMENT:** In defining “Street Project,” a municipality can use the following clause to reference and include the terms and definitions that are used to describe local street projects (e.g. capital project, major maintenance project, annual maintenance projects): “as well as *[insert local project terms]*.”

- (d) “Users” mean individuals that use Streets, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, *[insert other significant local users if desired, e.g. drivers of agricultural vehicles, emergency vehicles, or freight]* and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

**Sec. [ \_\_\_\_ (\*3) ]. REQUIREMENT OF INFRASTRUCTURE ENSURING SAFE TRAVEL.**

- (a) *[ Insert appropriate agencies, such as Department of Transportation, Department of Public Works, Department of Planning ]* shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve public [ and private ] Streets and the transportation network for all Users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.

**COMMENT:** This provision, like many of the following provisions, allows municipalities to choose whether to apply the requirement to private streets in addition to public streets. Generally, it will expand the effectiveness of the ordinance to apply it to private streets. However, such a requirement may be more practical in certain jurisdictions than in others. For example, the requirement might be very important in a jurisdiction where there are many private streets in central locations.

- (b) Every Street Project on public [ or private ] Streets shall incorporate Complete Streets Infrastructure sufficient to enable reasonably safe travel along and across the right of way for each category of Users; provided, however, that such infrastructure may be excluded, upon written approval by *[ insert senior manager, such as City Manager or the head of an appropriate agency ]*, where documentation and data indicate that:

**COMMENT:** This provision, which requires that street projects on new or existing streets create Complete Streets, is a fundamental component of a commitment to Complete Streets. This clause provides crucial accountability in the exceptions process by requiring documentation, a transparent decision-making process, and written approval by a specified official.

- (1) Use by non-motorized Users is prohibited by law;
- (2) The cost would be excessively disproportionate to the need or probable future use over the long term;
- (3) There is an absence of current or future need; or

**COMMENT:** Data showing an absence of future need might include projections demonstrating low likelihood of pedestrian or bicycling activity in an area. Such projections should be based on demographic, school, employment, and public transportation route data, not on extrapolations from current low mode use.

- (4) Inclusion of such infrastructure would be unreasonable or inappropriate in light of the scope of the project.

**COMMENTS:** By including this fourth exception, a municipality gains considerable flexibility, but at the cost of potentially implementing Complete Streets practices less thoroughly. Municipalities should consider this trade-off in determining whether to include this exception.

Other exceptions can also be included in this list, for example: “Significant adverse environmental impacts outweigh the positive effects of the infrastructure.”

- (c) As feasible, [Municipality] shall incorporate Complete Streets Infrastructure into existing public [and private] Streets to improve the safety and convenience of Users, construct and enhance the transportation network for each category of Users, and create employment.

**COMMENT:** This provision sets forth the municipality’s desire and intent to retrofit existing streets to increase safety for all users, but the words “as feasible” leave the municipality great flexibility to do only what it determines to be a priority.

- (d) If the safety and convenience of Users can be improved within the scope of pavement resurfacing, restriping, or signalization operations on public [or private] Streets, such projects shall implement Complete Streets Infrastructure to increase safety for Users.

**COMMENT:** This provision is intended to encourage new bicycle lanes and reductions in the number of vehicle lanes where feasible as part of the restriping of pavement lines and

markings during resurfacing, and to encourage improvements for pedestrians, particularly people with disabilities and older adults, as part of signalization projects.

- (e) *[Insert appropriate agencies, such as Department of Transportation, Department of Public Works, Department of Planning]* shall review and either revise or develop proposed revisions to all appropriate plans, zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals, including *[insert name of Municipality's comprehensive plan equivalent as well as all other key documents by name]*, to integrate, accommodate, and balance the needs of all Users in all Street Projects on public [and private] Streets.
- (f) In design guidelines, *[insert appropriate agencies]* shall coordinate templates with street classifications and revise them to include Complete Streets Infrastructure, such as bicycle lanes, sidewalks, street crossings, and planting strips.
- (g) Trainings in how to integrate, accommodate, and balance the needs of each category of Users shall be provided for planners, civil and traffic engineers, project managers, plan reviewers, inspectors, and other personnel responsible for the design and construction of Streets.

**COMMENT:** Such trainings may cover a range of topics: a basic introduction to the concept of Complete Streets, an exploration of advanced implementation questions, or an overview of how to apply new systems, policies, and requirements put in place by the jurisdiction to implement Complete Streets.

#### Sec. [ \_\_\_\_ (\*4) ]. DATA COLLECTION, STANDARDS, AND PUBLIC INPUT.

- (a) *[Insert appropriate agency or agencies]* shall collect data measuring how well the Streets of [Municipality] are serving each category of Users.

**COMMENT:** Municipalities should look at latent demand, existing levels of service for different modes of transport and users, collision statistics, bicycle and pedestrian injuries and fatalities, and so on.

- (b) *[Insert appropriate agency or agencies]* shall put into place performance standards with measurable benchmarks reflecting the ability of Users to travel in safety and comfort.



**COMMENT:** Specific performance standards, with clear benchmarks and timeframes, greatly increase accountability and the ability to assess progress toward a goal. Communities that are just beginning to move toward Complete Streets may wish to establish limited benchmarks, whereas those seeking rapid and substantial impact will want to specify detailed performance standards. In establishing performance standards, municipalities should look at areas such as transportation mode shift, miles of new bicycle lanes and sidewalks, percentage of streets with tree canopy and low design speeds, public participation, and so on.

- (c) [*Insert appropriate agency or agencies*] shall establish procedures to allow full public participation in policy decisions and transparency in individual determinations concerning the design and use of Streets.

**COMMENT:** A municipality may exclude this provision if existing law provides for a high level of public participation and transparency in such determinations.

- (d) [*Insert appropriate agency, agencies, or official*] shall implement, administer, and enforce this [ article / chapter ]. [*Agency*] is hereby authorized to issue all rules and regulations consistent with this [ article / chapter ] and shall have all necessary powers to carry out the purpose of and enforce this [ article / chapter ].

**COMMENT:** This provision designates an agency or official to implement this ordinance and also bestows rulemaking and other powers on the agency. If existing law in a municipality provides such rulemaking authority, this provision or the second sentence of the provision may be omitted.

- (e) All initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for projects requiring funding or approval by [Municipality] shall: (1) evaluate the effect of the proposed project on safe travel by all Users, and (2) identify measures to mitigate any adverse impacts on such travel that are identified.

**COMMENT:** This clause provides for public accountability and improved outcomes by enabling written evaluation of the effects of certain projects on safe travel as a routine consideration factoring into decision-making processes.

However, some communities may need to build momentum prior to adopting this provision. Such communities may omit this provision and substitute the alternative provision available in subsection [5(c)].

## Sec. [ \_\_\_\_ (\*5) ]. FURTHER STEPS.

- (a) The head of each affected agency or department shall report back to the [Adopting body] [annually / within one year of the date of passage of this Ordinance] regarding: the steps taken to implement this Ordinance; additional steps planned; and any desired actions that would need to be taken by [Adopting body] or other agencies or departments to implement the steps taken or planned.

**COMMENT:** Municipalities are encouraged to tailor this clause to direct agencies to carry out additional specific implementation tasks as appropriate.

- (b) A committee is hereby created, to be composed of [*insert desired committee composition*] and appointed by [the Mayor / President of adopting body / other], to forward [Municipality]'s implementation of Complete Streets practices by: (i) addressing short-term and long-term steps and planning necessary to create a comprehensive and integrated transportation network serving the needs of all Users; (ii) assessing potential obstacles to implementing Complete Streets practices in [Municipality]; (iii) if useful, recommending adoption of an [ordinance / internal policy / other document] containing additional steps; and (iv) proposing revisions to the [*insert name of Municipality's comprehensive plan equivalent*], zoning and subdivision codes, and other applicable law to integrate, accommodate, and balance the needs of all Users in all Street Projects. The committee shall report on the matters within its purview to the [Adopting body] within one year following the date of passage of this Ordinance.

**COMMENT:** Establishing a committee is one option for implementing a local Complete Streets law; however, just as with other provisions of this ordinance, a jurisdiction can omit this provision if it is not desirable. While local considerations will dictate committee composition, municipalities should consider including representatives of key departments or agencies, such as the transit agency, public works department, planning department, public health department, and others, as well as the city manager, advocacy groups, and a representative from the school district.

- (c) [The committee shall also consider requiring incorporation of Complete Streets modifications and Complete Streets Infrastructure in Street Projects, as well as requiring all initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for infrastructure projects requiring funding or approval by [Municipality] to: (1) evaluate the effect of the proposed project on safe travel by all Users, and (2) identify measures to mitigate any adverse impacts on such travel that are identified.]

**COMMENT:** For communities that are just beginning this process, a more exploratory approach to Complete Streets would involve inserting this subsection and deleting subsections [3 (b) & 4(e)].

### SECTION III. STATUTORY CONSTRUCTION & SEVERABILITY.

- (a) This Ordinance shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this Ordinance authorizes any City agency to impose any duties or obligations in conflict with limitations on municipal authority established by federal or state law at the time such agency action is taken.
- (b) In the event that a court or agency of competent jurisdiction holds that a federal or state law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this Ordinance or the application thereof to any person or circumstances, it is the intent of the Ordinance that the court or agency sever such clause, sentence, paragraph, or section so that the remainder of this Ordinance remains in effect.

**COMMENT:** This standard severability provision allows most of the ordinance to remain in effect even if a court deems part of the ordinance to be invalid.

- (c) In undertaking the enforcement of this Ordinance, [Municipality] is assuming only an undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation through which it might incur liability in monetary damages to any person who claims that a breach proximately caused injury.

**COMMENT:** This provision provides that no new basis for tort liability is established by the enactment of this ordinance. Municipal attorneys in a given jurisdiction can assess whether this language provides adequate protection under state law, and substitute alternative language if desirable.