



COALITION FOR SMARTER GROWTH

Testimony in SUPPORT of
Bill 18-191, the “Sidewalk Assurance Act of 2009”

Before the Committee on Public Works and Transportation
Hon. Jim Graham, Chairman

Wednesday, July 1, 2009, 2:00 PM
John A. Wilson Building, Room 412

Please accept these comments on behalf of the Coalition for Smarter Growth, a regional organization based in the District of Columbia focused on ensuring transportation and development decisions are made in our region to accommodate growth while revitalizing communities, providing more housing and travel options, and conserving our natural and historic areas.

We are here to express our support for the Sidewalk Assurance Act. Sidewalks should be included as a part of all roadways and all roadway construction projects almost without exception. This Act reflects the DDOT Departmental Order on its sidewalk construction policy and the DDOT Pedestrian Master Plan. An Act by the Council is needed to ensure consistent implementation of these policies in order to ensure safety on all public rights of way. The standard should simply be that if there is a paved road, there should be an ADA-compliant sidewalk. This is fundamentally a matter of safety for all public transportation facilities.

We suggest the bill be much more specific about what exceptions apply to clarify the exceptional circumstances when sidewalks or another pedestrian facility is not required for a public roadway. These standards should be set based on the goals of ensuring public safety and access along and across public rights of way. The findings for any qualified exemptions should also be made readily available to the public on DDOT’s website and provided to the Council.

D.C. Pedestrian Master Plan standards

The 2009 D.C. Pedestrian Master Plan recommendation to provide “accessible, safe and well-maintained pedestrian facilities along and across all streets” is intended to fulfill the plan’s two primary goals: “1. to reduce the number of pedestrians killed and injured in crashes with motor vehicles; 2. to increase pedestrian activity by making walking a comfortable and accessible mode of travel throughout all parts of the District.” The Act supports the Plan’s recommendation and goals and helps ensure consistent implementation. The key recommendation for transportation and development projects from the Plan states:

Recommendation 1.1: Ensure all transportation and real estate development projects include safe and convenient pedestrian facilities.

DDOT, private developers, and others reconstruct hundreds of blocks of public space each year. The most cost effective strategy for improving the pedestrian environment is to include state-of-

The DDOT Administrative order No. 01-2005 regarding its revised Sidewalk Construction Policy states: “DDOT will construct sidewalks on all streets and roadways as part of roadway reconstruction projects.”

Thus the bill will implement D.C. policies, ensuring greater consistency. Clarifying exemptions is needed because there is evidence that exemptions are being decided not on the basis of public safety but on other factors related to individual preferences. The Council should act to ensure that public safety is always the first priority when deciding how to build and maintain a public transportation facility.

Suggested exemption language

We suggest amending the Sec. 3 Exemptions language to clarify that limited circumstances for a finding regarding installing a sidewalk [my edits in bold]:

- (a) the Director of the District Department of Transportation shall have the authority to issue a finding ~~that it is impractical or unnecessary to install a sidewalk if the Director determines that~~ **for an exemption under limited and exceptional circumstances. Exemptions should not be permitted in the case of sight distances or other conditions create unsafe conditions for pedestrians; street segment is on a direct route to a school, park, church, trail, or other facility and has a significant amount of vehicle or pedestrian traffic; the street segment connects two blocks on a street that already has sidewalks. A finding may be issued if the Director determines that** the physical site conditions, **such as a steep slope, would cause excessive environmental damage or risk or threaten a registered historical property and** ~~make it impossible or unduly expensive to construct the required sidewalk. , or if it would lead nowhere and would be highly unlikely to serve any pedestrians.~~ **A finding may also be issued if the Director determines the sidewalk segment serves less than four dwelling units or less than 10,000 square feet of industrial non-retail commercial space and does not create or sustain unsafe conditions for pedestrians.**

In the case of a finding that a sidewalk is impractical due to the limited circumstances listed in this section, the Director shall provide as a part of the transportation project an alternative pedestrian facility for safe access. Alternative pedestrian facilities include paved shoulders on open section roads, shared streets designed for 10 miles per hour driving speed for vehicles, and off-road paths. If an alternative facility is not provided, the Director shall issue an additional finding justifying why such an alternative facility was impractical. Exempted transportation projects shall be deemed lowest priority for public expenditures.

The Director shall make all findings with detailed explanations publicly available to the Council and on the DDOT website.

Background

The D.C. Pedestrian Master Plan and in all pedestrian and ADA guidance documents from federal sources state that sidewalks should be included as a part of all roadways and all roadway construction projects with few exceptions. Sidewalks are pedestrian lanes that are part of the public right of way but separated from roadway vehicles. Federal Highway Administration documents state that sidewalks are associated with significant reductions in pedestrian collisions with motor vehicles and should be included in all transportation projects unless “exceptional circumstances” exist. The American Association of State Highway and Transportation Officials (AASHTO) stated in the industry standard design guidelines (the Green Book) that: “Providing safe places for people to walk is an essential responsibility of all government entities involved in constructing or regulating the construction of public rights of way.”

Sidewalks are needed to serve three basic goals:

1. To improve conditions for people who are currently walking (this includes persons with disabilities);
2. To encourage increased levels of walking;
3. To reduce the number of crashes involving pedestrians.

There are a number of ways to accommodate pedestrians to accomplish these goals, but in an urban area, the best facility will be sidewalks on both sides of the street, unless exceptional circumstances exist.

According to the Federal Highway Administration, sidewalks should be required on both sides of local streets serving more than four dwelling units to the acre, and on all urban commercial streets. For urban local streets with less than four dwelling units to the acre, sidewalks on both side of the street are preferred or required if the density becomes greater than four dwelling units/acre or if schools, bus stops, etc. are added.

Alternatives to sidewalks in exceptional cases: The other pedestrian facilities that might be appropriate in few cases are off-road paths, paved shoulders and shared streets. In very limited circumstances, shared streets might be appropriate. Shared streets are designed for pedestrians as the dominant user, with vehicles as slow moving visitors. Shared streets allow for safe interaction between walkers, bicyclists and motor vehicles, with all modes moving below 10 mph. (See: page 81 in: http://drusilla.hsrc.unc.edu/cms/downloads/PedFacility_UserGuide2002.pdf)

I also note that narrow streets and narrow travel lanes are particularly desirable for residential streets as a method to reduce the speed of vehicles, thus even in constrained rights of way it may be practical and desirable to narrow the travel way for vehicles in order to provide sidewalks.

Thank you for the opportunity to testify.