

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

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April 18, 2018

The Honorable President and Members
of the Baltimore City Council

Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0102 – Complete Streets

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0102 for form and legal sufficiency.

The bill would add Subtitle 40 to Article 26 of the City Code to create a comprehensive street system. It mandates that the City's Department of Transportation ("DOT") create and operate a system of street improvement or creation in accordance with certain general principles.

It creates a Complete Streets Coordinating Council ("Council") that would include the directors of several City Departments, the Director of the Office of Sustainability, a representative of the Maryland Transit Administrator and the Executive Director of the Parking Authority of Baltimore City. The Council must review the status of projects, identify new projects, promote interagency cooperation and community engagement. The Council must also work in conjunction with the DOT Director to create a Complete Streets Manual ("Manual") that will undergo a public comment period and eventually be filed in the Department of Legislative Reference. The Manual must consider fifteen different factors and include a hierarchy of the various modes of transportation indicating the priority to be given to each mode of transportation. The Manual must include a "process for identifying, screening and prioritizing projects seeking funding through Federal or State grants, the City Capital Improvement Program, or other means." It must also include a Project Delivery Process that includes a chart of every phase of every type of project undertaken by DOT as well as a decision tree "showing how street typology, existing and planned land use, modal hierarchy, and any additional factors determine street design" and whether such elements are necessary or optional.

In addition, the bill mandates that DOT use a design vehicle for street design controls and requires that the lanes of any street be no more than nine feet wide, unless otherwise provided by law or in this new Subtitle. The bill mandates that DOT use the "latest and best standards" including those mentioned in several different design guides.

Finally, the bill requires that DOT, in consultation with the Council, prepare an annual report that measures yearly changes in crash data for all modes of travel and specifically breaks out injury and fatal crashes. The report must also measure yearly transit on-time performance, commute times and modal share, and give statistics on infrastructure and business vacancy. The report must list the cost of all ongoing projects. Finally, in addition to breaking out data based on geography, the report must also categorize data based on "populations" that are: (1) above and below the median number of person of color for Baltimore City; (2) above and below 50% vehicle access and (3) have median income above and below the median household income for Baltimore City.

The Law Department notes that the bill's aspirational language may be difficult to enforce. In addition, the bill may create operational issues that could have legal consequences such as mandating nine-foot-wide lanes. The Federal Highway Administration recommends other lane widths in different circumstances and notes that narrow lanes may decrease vehicle safety depending on the number of travelers on the road and the road's location. *See, e.g.,* https://safety.fhwa.dot.gov/geometric/pubs/mitigationstrategies/chapter3/3_lanewidth.cfm. Since these suggested widths are listed as guidelines, the City would be unable meet these guidelines unless they become required by a federal or state law. Rather, as written, the bill would mandate the nine-foot width. While not illegal, the mandatory width may impact the City's ability to work within the terms of state or federal grants.

The Law Department also notes that the data reporting requirements may be difficult to achieve. First, it is unclear what data is to be broken into the race, income and vehicle access Section 40-48. Is the intent to have all the data listed in 40-47 be broken out by the equity lens in 40-48? If so, it would be best to clarify that language. However, if that is the intent, it may be difficult to find the data on fatal crashes, for example, broken in to groups by median income or access to a car.

Despite these operational hurdles, the Law Department can approve the bill as written for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
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