



Date: May 8, 2020

Date of Meeting: May 6, 2020

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Project: Howard County Complete Streets

Meeting Description: Complete Streets Implementation Team Meeting #5

Participants:

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Introduction

The purpose of the meeting was to provide members of the Complete Streets Implementation Team (CSIT) an update on the draft Community Engagement Plan (CEP), provide an overview of the 1999 Howard County Sidewalk Policy, and collect feedback on both documents. This meeting was held using video conferencing software due to restrictions on in-person meetings due to COVID-19.

Chris Eatough and Jeff Riegner welcomed all attendees.

Members of the CSIT were provided a copy of the draft minutes from the April 1 meeting in advance. Larry Schoen made a motion to approve the minutes and Chris seconded the motion. The group unanimously approved the minutes.

Leah, Bruce Gartner, and Chris led the group through the presentation attached to these minutes.

Review of Community Engagement Plan

Leah noted that since the CSIT last met in April, a draft of the CEP was circulated. The Office of Transportation (OOT) received comments on the draft document from Jennifer White; they will be incorporated into the next draft. CSIT members were asked to provide additional feedback during this meeting or via email. Leah explained the CSIT is being asked to come to consensus with the current draft before beginning the next section of the document.

Leah shared the current vision statement for the CEP which reads, "Robust community engagement during the planning and design phases of transportation projects is essential to the successful implementation of the Complete Streets policy in Howard County." She asked whether members of the CSIT agree with the vision statement. Carl Gutschick suggested changing the language to "robust and appropriate," in order to suggest that the County should undertake what is necessary and prudent for a given project. He noted that an appropriate scope for engagement should be developed at the beginning of a project.

Tom Butler stated that the County is in a financial crisis and that the level of community engagement needs to reflect available funding. Chris responded that one question the CEP will answer is how to tailor different levels of engagement to different types of projects.

David Nitkin responded that the word "appropriate" is too subjective. He noted that the word "robust" in this context is intended to reflect comprehensiveness and inclusivity. Although funding realities will always come into play, including the word "appropriate" in a vision statement opens up the entire process to criticism.

Jennifer agreed with David noting that the intent of using the word "robust" is to be inclusive, and that a vision statement shows intent regardless of what the budget horizon looks like. She noted the need to be communicative and include people and communities as part of the process. The language in the plan is what will hold us accountable.

Tom B. expressed that the word "robust" is also subjective and recommended removing it from the vision statement. Chad Summerson and Sam Sidh agreed with beginning the vision statement with "Community engagement."

Larry agreed, but noted he would like to see the community engaged around selecting transportation projects for advancement. Jeff responded that identifying potential transportation projects is part of the master planning process and the project prioritization process, while the CEP is focused on project development. He noted the CSIT will be involved with refining the project prioritization process during upcoming meetings. Chris commented that the County is moving to a more quantitative process to identify potential projects, and that project prioritization may be more quantitative than community based.

The group came to consensus on the vision by removing the initial word "robust."

There were no comments on guiding principles.

Leah then reviewed the goals for the CEP. Jennifer suggested including more specifics, especially regarding what "equitable access" means. Sam said that more specifics would work better under objectives than as part of the goals



themselves. Leah offered to work with Jennifer to hone the objectives and include greater specificity. The goals/objectives/performance measures chart will be completed for the next CSIT meeting.

Leah moved on to the second section of the document, which outlines methods the County can use to engage the community. It defines what the term community means and highlights methods and formats for communicating with the community. It also outlines ways to collect public feedback including holding events or deploying other tools like surveys. Jennifer pointed out that this draft does not identify how the County will engage historically disenfranchised populations, so we will further develop how we will be using the vulnerable population index, partner with community groups, and develop outreach strategies along with the community. Additional next steps include creating clear engagement steps for the County and citizens to follow throughout project development.

Leah noted that the third main section of this document will explain how public engagement will impact project development. The CEP will have to walk the line between mandating specific engagement activities and allowing for differences between projects that may require unique approaches. For example, engagement strategies may differ depending on project size and scope, whether a capital project or developer project, be tailored to the community where the project is located, and evolve with nationwide best practice.

Leah shared a flowchart from the City of Boston's Complete Streets Guidelines that clearly shows how public involvement interfaces with the project development and review process. Larry asked what projects are included in the Boston example. Leah responded that the Boston example includes transportation projects led by the City, State (which is not relevant in Howard County), and developers. She clarified that in Howard County, capital projects and development projects will likely follow similar but not identical processes.

Carl added that the engagement for development projects should focus on Complete Streets elements of the project, not all aspects of the project. He noted that what happens inside the development should be addressed by the Design Manual and the subdivision regulations, not new community engagement process.

Leah noted that the CSIT will be kept up to date with any edits and additions made to the CEP.

Sidewalk Policy

Leah then turned over the presentation to Bruce to present an overview of the 1999 Sidewalk Policy. Bruce noted that OOT has been discussing the Sidewalk Policy internally with the Department of Public Works (DPW). The issue is that the current administrative policy conflicts with the Complete Streets policy and Pedestrian Master Plan adopted by City Council; it hinders the delivery of sidewalk projects. This presentation is intended to brief the CSIT on the current Sidewalk Policy and establish what needs to be included in a new policy.

Bruce noted that the current sidewalk policy applies to projects in the public right of way, not projects on private property. Chris elaborated, sharing that the title of the policy references "established residential neighborhoods" which is not clearly defined, and that the current policy is being applied to both arterials and collectors which does not appear to meet the original intent of the policy. Bruce noted that they County wants to do all that they can to encourage sidewalks.

Kris Jagarapu provided some context on the 1999 Sidewalk Policy for the CSIT. Kris noted that a committee was tasked with the development of the policy at the direction of the County Executive in 1999, and that they carefully considered each element of the policy. This work was done before a pedestrian master plan was in place, and the policy was to determine how to infill sidewalks. The Committee did discuss prioritizing sidewalks proximate to schools. Sidewalks were and still are required as part of new developments. The County Code places maintenance responsibility on the property owner unless sidewalk damage was caused by County trees or County utilities.

Bruce noted the Sidewalk Policy includes a lot of information about the intensity of land use and planning and has been superseded by updates to the Design Manual, which provides guidance on sidewalk design, and the Pedestrian Master Plan, which prioritizes projects.

Bruce stated that the Sidewalk Policy requires the approval of 2/3 of abutting property owners. He expressed concern with the requirement because it does not acknowledge the benefits of sidewalks to people beyond the immediate project area. He noted that the Complete Streets policy prioritizes safety, and that neighboring



jurisdictions do not give property owners the right to refuse a sidewalk on public property. He clarified that no changes to maintenance responsibilities are being proposed at this time.

Chris reviewed the results of a survey of nearby jurisdictions that was completed with the assistance of the Baltimore Metropolitan Council (BMC). Anne Arundel County, Baltimore County, and Harford County responded to the following three questions:

1. Who maintains the sidewalks in your jurisdiction?
2. When adding new sidewalks in the public right of way (no private property impacts) through a CAPITAL PROJECT, what is your jurisdiction's policy for approval or communication with the property owners adjacent to a new sidewalk?
3. When adding new sidewalks in the public right of way (no private property impacts) through a DEVELOPMENT PROJECT, what is your jurisdiction's policy for approval or communication with the property owners adjacent to a new sidewalk?

Kris asked who from each county responded to the survey. Chris replied that the individuals who responded to the survey are representatives on the BMC Bicycle and Pedestrian Advisory Group, but each representative consulted with their Planning and Public Works agencies to answer the questions.

In Harford County, the County (or the City in the case of Bel Air) maintains sidewalks, and the Director of Public Works gives 15 day notice to surrounding property owners before changes are made. In Baltimore County and Anne Arundel County, the adjacent property owner maintains sidewalks. All three counties communicate with adjacent property owners to inform them of upcoming sidewalk installation for both capital and development projects.

David R. asked if there are any statistics on Howard County projects that did not advance because they did not receive 2/3 support. Chris responded that OOT does not maintain statistics, but DPW might. David noted that he has seen challenges in different locations proximate to schools due to this rule.

Kris said he would check for any supporting data. He noted that the Sidewalk Policy completed a significant amount of community engagement and found a lot of people were for and against sidewalks. He noted the intent of the policy was to develop an easier process for the County to manage, and that in some cases projects that are initially rejected are approved at a later date. Kris noted that the 2/3 rule was intended to take some of the pressure off the County, and that implementing traffic calming measures follows the same 2/3 rule. This approach puts the onus on the community to support the project. Six of the committee members were citizens who volunteered to be part of the process.

Chris replied that the policy was developed before the Pedestrian Master Plan, and that hundreds if not thousands of members of the public provided feedback on the Pedestrian Master Plan. It was unanimously endorsed by County Council.

Tom B. agreed that the policy needs to be updated. He spoke with the Harford County Director of Public Works, who confirmed they do NOT maintain sidewalks; that is the property owner's responsibility. Regarding Howard County, historically, absent a master plan it was difficult to decide on a specific sidewalk segment. He noted the decision was put on the property owners along a street, and if they could reach consensus the County would build the sidewalk through the capital project process. He noted that if the county is building something in the right of way, they need to be able to respond to the fact that a sidewalk maintenance burden is being placed on the property owner.

Kris agreed that policy needs to be updated. He asked whether the County can tell a property owner they are getting a sidewalk that they will need to maintain whether they want it or not.

David Cookson suggested that the updates also need to consider challenges faced in project delivery, and that the policy should only be applied to relevant projects as to not impact project delivery.

Larry emphasized that the benefits of sidewalks accrue to many people beyond the immediate property owners and that he supports eliminating the 2/3 vote.

Chris suggested that at least two categories – Pedestrian Master Plan projects and projects in a school walk zone – NOT be subject to 2/3 approval, since they have demonstrable community benefit. He reiterated that sidewalks are especially critical along arterials or collectors that are too busy to walk along without pedestrian infrastructure.



Tom B. noted it is important to understand the “pain points” for other jurisdictions and how well their current processes work.

Bruce noted that based on the County’s limited resources, they would likely only be pursuing non-controversial projects or projects that are so impactful they are willing to take on opposition. He stated that a voting mechanism may still be appropriate if the area is not a high priority area for the County.

Larry asked whether the County requires the approval of 2/3 of adjacent property owners for traffic signals or stop signs. Kris responded that they use federal warrants or analysis, but there are no federal rules that apply to sidewalk installation. He clarified that DPW is in favor of putting in sidewalks, but the reason why the policy passed in its current form was because things were different in 1999.

Chad asked if there are any legal ways a property owner can stop the County from putting in a sidewalk. Kris said that is unclear. Tom added that drainage and stormwater management may also need to be considered, some of which may require an easement. There is a difference between the County’s right to install a sidewalk and their will to do so.

Cory requested additional information from other counties on how well their process works. If it works well in other places, it makes sense for Howard County to eliminate the polling.

Sam asked why we have the policy in the first place. Chris responded that the 2/3 provision was likely put in place due to the maintenance burden on the property owner. Sam noted the industry standard appears to be providing notice and asked whether a property owner would have the ability to reject the responsibility for maintenance.

Bruce recommended regrouping with DPW and David Ramsay to discuss what policy revisions would look like, especially in the context of the Pedestrian Master Plan and school zones.

Chris noted that the CSIT is a good venue for discussion of the Sidewalk Policy, and there may be some short-term steps that could be implemented in advance of updates to the Design Manual.

Next Steps

Jeff noted two action items from this meeting:

- WRA will make updates to the Community Engagement Plan based on comments received and distribute to the CSIT
- The County will continue work on potential Sidewalk Policy revisions.

In addition, project prioritization will move forward shortly.

The next CSIT meeting is scheduled for Wednesday, June 3 at 3:00 pm.

DRAFT

Leah Kacanda, AICP

