



NATIONAL POLICY & LEGAL ANALYSIS NETWORK
TO PREVENT CHILDHOOD OBESITY



Model State/Regional Resolutions on Complete Streets

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

PHLP is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

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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 State/Regional Resolutions

State and regional 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 these Model State/Regional Resolutions on Complete Streets to assist states and regional governments in making streets safe, comfortable, and convenient for everyone. This model can be adopted, with some modifications, by the state, a county, or another regional body. Although not designed for the needs of a metropolitan planning organization, the resolution could be tailored for that use.

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, and local counsel may need to customize a resolution to integrate it with your state’s format.

State Resolution Versus State Statute

NPLAN has also developed a Model State Statute on Complete Streets. Generally, a resolution has less force than a statute, expresses general goals and intent, and requires less in the way of concrete action. The model resolutions encourage state and local agencies to approach every street project as an opportunity to make streets safe and welcoming for all users, but the resolutions are more exploratory and less directive than the model statute. Resolutions are

often easier to enact than laws, and they can be an effective first step. A jurisdiction may pass a complete streets resolution and later go on to pass a law, but a resolution is not necessary where a complete streets law is adopted.

Which Resolution?

We have provided two versions of the model resolution, a streamlined version intended for jurisdictions that are at the early stages of committing to complete streets (Introductory Version), and a more developed version that provides for more thorough and meaningful implementation (Advanced Version). Either version can be adopted as a stand-alone resolution.

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.

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.

Resolution Setting Forth [State / Regional Body]'s Commitment to Complete Streets

Preamble/Whereas Clauses

SEE APPENDIX A: FINDINGS

A draft resolution based on this model should include a preamble that contains “findings” of fact (“whereas” clauses) that support the need for the state or regional body to pass the resolution. The preamble contains factual information supporting the need for the resolution – in this case, documenting the need for complete streets. A list of findings supporting this model resolution appears in “Appendix A: Findings.” Findings from that list may be inserted here, along with additional findings addressing the need for the resolution in the particular community.

The Resolution: Introductory Version

The introductory version of the model state/regional complete streets resolution is streamlined for jurisdictions that are ready to express support of complete streets but are still exploring how to implement that support. It recognizes the importance of complete streets and urges their adoption and execution in a very general way.

NOW, THEREFORE, LET IT BE RESOLVED that [State / Regional body / Adopting body] hereby recognizes the importance of creating Complete Streets that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders and drivers, [*insert other significant local users if desired, e.g. drivers of agricultural vehicles, emergency vehicles, freight, etc.*] and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

BE IT FURTHER RESOLVED that [State / Regional body / Adopting body] [expects / requires] all transportation projects receiving State [or, where applicable, Federal] funding to incorporate Complete Streets infrastructure addressing the needs of all users into all planning, design, approval, and implementation processes for any construction, reconstruction, retrofit, maintenance, alteration, or repair of streets, bridges, or other portions of the transportation network, including pavement resurfacing, restriping, and signalization operations if the safety and convenience of users can be improved within the scope of the work; provided, however, that such infrastructure may be excluded, upon written approval by [*insert appropriate senior manager, such as the head of the state department of transportation or other 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.

- (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 jurisdiction gains considerable flexibility, but at the cost of potentially implementing Complete Streets practices less thoroughly. Jurisdictions 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.”

[BE IT FURTHER RESOLVED that [State / Adopting body] requires the [*insert name of state department of transportation*] to make Complete Streets practices a routine part of its everyday operations, to approach every transportation project and program as an opportunity to improve public [and private] streets and the transportation network for all users, and to work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.]

COMMENT: This provision is intended for states adopting this resolution, and is not applicable to bodies that do not have jurisdiction over the state department of transportation.

BE IT FURTHER RESOLVED that [*insert appropriate agency*] should evaluate how well the streets and transportation network of [State / Region] are serving each category of users, and [*insert appropriate agencies*] should establish performance standards with measurable benchmarks reflecting the ability of users to travel in safety and comfort.

COMMENTS: To evaluate service, jurisdictions may wish to 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.

Specific performance standards, with clear benchmarks and timeframes, greatly increase accountability and the ability to assess progress toward a goal. Jurisdictions that are just beginning to move toward Complete Streets may wish to establish more limited benchmarks, whereas those seeking rapid and substantial impact will want to specify detailed performance standards. In establishing performance standards, jurisdictions 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.

BE IT FURTHER RESOLVED that [State / Regional body / Adopting body] urges all [regional bodies,] local jurisdictions and appropriate agencies in [State / Region] to adopt Complete Streets policies, implement Complete Streets practices, and incorporate the needs of all users into [*insert name of State's comprehensive plan equivalent*] to ensure that the transportation network serves all users.

[BE IT FURTHER RESOLVED that [State / Regional body / Adopting body] calls upon Federal [and State] legislators to provide additional funding and other incentives for local and state governments to adopt Complete Streets policies and implement Complete Streets practices in order to serve all users.]

COMMENT: Although Complete Streets practices can be incorporated into street design and construction without the need for any additional funding, and this is particularly true when these practices are regularly integrated into the earliest stages of planning, additional funds can assist in retrofitting existing streets and ensuring an integrated and connected network in a shorter time period.

The Resolution: Advanced Version

The advanced version of the model state/regional complete streets resolution is intended for jurisdictions that are ready to commit to a few additional steps to increase the effectiveness of the resolution. Including and building upon the provisions in the introductory version, this version calls for training of planners and other personnel, increased public participation, evaluation of proposed projects' impact upon safe travel, reports by departmental heads on implementation of the policy, and creation of a committee to explore and recommend further steps.

NOW, THEREFORE, LET IT BE RESOLVED that [State / Regional body / Adopting body] hereby recognizes the importance of creating Complete Streets that enable safe travel by all users, including pedestrians, bicyclists, public transportation riders and drivers, [*insert other significant local users if desired, e.g. drivers of agricultural vehicles, emergency vehicles, freight, etc.*] and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

BE IT FURTHER RESOLVED that [State / Regional body / Adopting body] [expects / requires] all transportation projects receiving State [or, where applicable, Federal] funding to incorporate Complete Streets infrastructure addressing the needs of all users into all planning, design, approval, and implementation processes for any construction, reconstruction, retrofit, maintenance, alteration, or repair of streets, bridges, or other portions of the transportation network, including pavement resurfacing, restriping, and signalization operations if the safety and convenience of users can be improved within the scope of the work; provided, however, that such infrastructure may be excluded, upon written approval by [*insert appropriate senior manager, such as the head of the state department of transportation or other 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.

- (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 jurisdiction gains considerable flexibility, but at the cost of potentially implementing Complete Streets practices less thoroughly. Jurisdictions 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.”

[BE IT FURTHER RESOLVED that [State / Adopting body] requires the [*insert name of state department of transportation*] to make Complete Streets practices a routine part of its everyday operations, to approach every transportation project and program as an opportunity to improve public [and private] streets and the transportation network for all users, and to work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.]

COMMENT: This provision is intended for states adopting this resolution, and is not applicable to bodies that do not have jurisdiction over the state department of transportation.

BE IT FURTHER RESOLVED that [*insert appropriate agency*] should evaluate how well the streets and transportation network of [State / Region] are serving each category of users, and [*insert appropriate agencies*] should establish performance standards with measurable benchmarks reflecting the ability of users to travel in safety and comfort.

COMMENTS: To evaluate service, jurisdictions may wish to look at collision statistics, bicycle and pedestrian injuries and fatalities, existing levels of service for different modes of transport and users, latent demand, and so on.

Specific performance standards, with clear benchmarks and timeframes, greatly increase accountability and the ability to assess progress toward a goal. Jurisdictions that are just beginning to move toward Complete Streets may wish to establish more limited benchmarks, whereas those seeking rapid and substantial impact will want to specify detailed performance standards. In establishing performance standards, jurisdictions 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.

BE IT FURTHER RESOLVED that trainings in how to integrate, accommodate, and balance the needs of all users should be provided for planners, civil and traffic engineers, project

managers, plan reviewers, inspectors, and other personnel responsible for the design and construction of streets, bridges, and other portions of the transportation network.

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 to implement Complete Streets.

BE IT FURTHER RESOLVED that procedures should be established to allow increased public participation in policy decisions and transparency in individual determinations concerning the design and use of streets.

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

BE IT FURTHER RESOLVED that all initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for projects [within / requiring funding or approval by] [State / Region] should: (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.

BE IT FURTHER RESOLVED that the head of each affected agency or department should report back to the [Adopting body] [annually / within one year of the date of passage of this resolution] regarding: the steps taken to implement this Resolution; 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: States and regional bodies are encouraged to tailor this clause to direct agencies to carry out additional specific implementation tasks as appropriate.

BE IT FURTHER RESOLVED that a committee is hereby created, to be composed of [*insert desired committee composition*] and appointed by [*specify who should appoint the members of the committee*], to recommend short-term and long-term steps, planning, and policy adoption necessary to create a comprehensive and integrated transportation network serving the needs of

all users; to assess potential obstacles to implementing Complete Streets in [State / Region]; and to work with local jurisdictions on implementing Complete Streets; the committee will report on the matters within its purview to the [Adopting body] within one year following the date of passage of this Resolution.

COMMENT: While various considerations will dictate committee composition, states and regional bodies may find it helpful to include representatives of key departments or agencies, including the state department of education, and advocacy groups.

BE IT FURTHER RESOLVED that [State / Regional body / Adopting body] urges all [regional bodies,] local jurisdictions and appropriate agencies in [State / Region] to adopt Complete Streets policies, implement Complete Streets practices, and revise all appropriate plans, zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals, including [*insert name of State'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 projects.

[BE IT FURTHER RESOLVED that [State / Regional body / Adopting body] calls upon Federal [and State] legislators to provide additional funding, appropriate funding criteria, and other incentives for local and state governments to adopt Complete Streets policies and practices.]

COMMENT: Although Complete Streets practices can be incorporated into street design and construction without the need for any additional funding, and this is particularly true when these practices are regularly integrated into the earliest stages of planning, additional funds can assist in retrofitting existing streets and ensuring an integrated and connected network in a shorter time period.