

Ordinance O-17-06

ORDINANCE CREATING CHAPTER 12.10 OF THE WAUWATOSA MUNICIPAL CODE REGARDING A "TOSA STREETS" POLICY

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Chapter 12.10 the Wauwatosa's Municipal Code, to be titled "TOSA Streets" is hereby created to read as follows:

12.10 "Tosa Streets"

12.10.010 Vision and Purpose.

- A. It is intended by this ordinance that Wauwatosa will continue to be attractive as a healthy, safe, and livable community because it facilitates bicycling and walking as travel and recreation options for residents, visitors, and businesses. Bicycling and walking will be integral components of quality of life, economic development, and accessibility features of the city. This ordinance will allow the City to provide a clearly labeled, interconnected network of bicycle and pedestrian facilities that meets the transportation and recreational needs of Wauwatosa residents and visitors. The network should link neighborhoods, schools, parks, employment centers, commercial areas and surrounding communities.
- B. The purpose of this Tosa Streets Ordinance is to ensure that a comprehensive and integrated network of facilities is equitably developed for all Users throughout the City that are, scoped, designed, constructed, operated, maintained and funded:
 - 1. To promote safe, convenient, and comfortable routes for all users including pedestrians, bicyclists, transit riders, and motorized vehicle operators and passengers;
 - 2. To meet the current and future needs of all users including children, older adults, and people of varied abilities;
 - 3. To promote active living among its residents and visitors.
- C. It is the intent of the common council that all available transportation funding sources shall be used to implement Tosa Streets The City believes that maximum financial flexibility is important to implement Tosa Streets principles.

- D. It is the goal of this section to ensure routine coordination with the City of Wauwatosa municipal departments, other units of government, agencies, and jurisdictions to achieve Tosa Streets.
- E. This ordinance shall provide guidance for inclusion of private development in creation of the community characteristics consistent with the characteristics of public facilities guided by this ordinance, and implementation of this ordinance shall include the use of available regulatory measures to ensure consistency with City policy in this regard.

12.10.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- A. “Streets” means any dedicated right-of-way for street purposes, public or private, including roadways, local roads, arterials, connectors, alleys, ways, lanes, and by any other designation, as well as bridges, tunnels, and any other portion of the transportation network.
- B. “Tosa Streets” means public and private streets that safely accommodate multiple conventional travel modes in the right-of-way.
- C. “Tosa Streets Infrastructure” means facilities, amenities, and treatments that contribute to a safe, convenient, logical, or comfortable travel experience such as: sidewalks, multiuse paths, bicycle lanes, shared use lanes (marked), neighborhood greenways, signed bicycle routes, cycle tracks, travel lanes, curbs, accessible curb ramps, curb bulb outs, crosswalks, refuge islands, pedestrian and traffic signals, signage, street furniture, bicycle parking facilities, public transportation stops and facilities, transit priority signalization, traffic calming features and traffic calming surface treatments, narrowed vehicle driving lanes, raised medians, dedicated transit lanes, street trees and landscaping, planting strips, and other transportation infrastructure features.
- D. “Street Project” means the construction, reconstruction, retrofit, alteration, or major repair of any street, including the planning, design, approval, and implementation process, but does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes.
- E. “Uses” means conventional transport modes that include walking, bicycling, driving and riding in motorized vehicles and public transit.

- F. “Users” means people of all ages and varied abilities that utilize streets and the associated dedicated right-of-way for travel, including persons requiring mobility aids.

12.10.030 Considerations.

The City of Wauwatosa shall apply Tosa Streets Infrastructure and principles to all public and private projects, including new construction, reconstruction, resurfacing, restoration, rehabilitation, operations, retrofits, and other maintenance work for the entire dedicated right-of-way. Attention shall be given to streets and intersections:

- A. That are identified in the *Bicycle and Pedestrian Facilities Plan* for bicycle and pedestrian infrastructure improvements;
- B. Which are characterized by high rates of conflict or accidents between motorists and bicyclists or pedestrians;
- C. Where non-motorized transportation use is common;
- D. Where increased levels of non-motorized transportation use are anticipated;
- E. Which provide primary access to significant destinations such as parks, schools, commercial areas, or employment centers;
- F. Along transit routes and stops and bike share stations;
- G. Where gaps exist in current transportation infrastructure.

12.10.040 Exceptions.

Every street project on public or private property shall incorporate Tosa Streets infrastructure sufficient to enable reasonable safe travel along and across the right-of-way for each category of use; provided, however, that such infrastructure may be excluded, upon written approval by the Bicycle and Pedestrian Facilities Advisory Committee and the Board of Public Works. These bodies may also request decisions on such exemptions from the Transportation Affairs committee and the common council. Streets may be exempted from the application of Tosa Streets principles on projects where documentation, data, and other information indicate:

- A. Use by non-motorized users is prohibited by law;
- B. The presence of specific Tosa Streets infrastructure would be contrary to public safety;

- C. Physical constraints, such as road or right of way width, on-street parking, or features present in the right of way limit inclusion of such infrastructure;
- D. There is a demonstrable absence of current or future need;
- E. The cost would be excessively disproportionate to the need or probable future use over the long term;
- F. The addition of new sidewalks on local roads characterized by low density residential use would be unreasonable or contextually inappropriate to the character of a district, unless support for sidewalks is otherwise expressed by adjacent property owners;
- G. For private projects, the owner shall document the exception and approval shall be granted by the Board of Public Works. Denials may be appealed to the Committee on Transportation Affairs.

12.10.050 Implementation.

The City of Wauwatosa shall incorporate Tosa Streets principles into all appropriate plans, zoning and subdivision codes, laws, manuals, rules, regulations, programs and Parking and site plan reviews, as appropriate, including the implementation of the City's Comprehensive Plan, the Bicycle and Pedestrian Facilities Plan, the Capital Improvement Program and the annual Operational Budget. Best practices for these improvements will use the best and latest design standards available such as existing design guidance from the American Association of State Highway Officials (AASHTO), WisDOT guidelines for sidewalk placement, the Institute of Transportation Engineers, the National Association of City Transportation Officials, the Americans with Disabilities Act, the Public Right-of-Way Accessibility Guidelines (PROWAG), or the Model Design Manual for Living Streets and National Association of City Transportation Officials (NACTO) Urban Street design Guidelines. .

The implementation of this Policy shall reflect the context and character of the surrounding built and natural environments, and enhance the appearance of such.

Tosa Streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time.

12.10.060 Practices

- A. The Division of Engineering Services, Board of Public Works, and other Divisions under the Development Department shall make Tosa Streets practices a routine part of daily

operations and shall approach every transportation project and program as an opportunity to improve public and private streets and the transportation network for all user groups, and shall work in coordination with residents and other departments, agencies, and jurisdictions to achieve Tosa Streets.

- B. The City of Wauwatosa shall incorporate Tosa Streets infrastructure into existing and future 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.
- C. 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 Tosa Streets infrastructure to increase safety for users, in a manner consistent with the procedures outlined in the City of Wauwatosa Bicycle and Pedestrian Facilities Plan, including residential notification and approval.
- D. Trainings in how to integrate, accommodate, and balance the needs of each category of users shall be provided for civil engineers, planners, landscape architects, project managers, plan reviewers, inspectors, and other personnel responsible for the design, construction, and maintenance of streets.

12.10.070 Data collection, performance measures, and public input.

- A. The City of Wauwatosa shall collect data that measure how effective the streets of the City of Wauwatosa are serving each category of users, provided that funding for such data collection is made available by the common council or from other sources. Data may include latent demand, existing levels of service for different modes of transport and users, collision statistics, bicycle and pedestrian injuries and fatalities, or other figures.
- B. The City of Wauwatosa shall put into place performance measures with quantifiable benchmarks reflecting the ability of users to travel in safety, comfort, and with ease of wayfinding. Performance measures may include transportation mode shift, miles of new and existing bicycle facilities or sidewalks, quantity of bicycle and pedestrian furnishings, percentage of streets with low design speeds, quantity of traffic mitigation features, and other relevant information that contributes to promoting multiple modes of travel.

- C. The City of Wauwatosa shall establish procedures to allow public participation in policy decisions and transparency in individual determinations concerning the design and use of streets.

Part II. This ordinance shall take effect on and after its date of publication.

Passed and Dated March 21, 2017

Carla A. Ledesma
City Clerk

Approved March 22, 2017

Kathleen Ehley
Mayor

Introduced: March 7, 2017

Referred to originating committee

Adopted: March 21, 2017

Page:

Journal: 113