

CHAPTER 2021-29

No. 347 AN ORDINANCE AMENDING CHAPTER 23 "STREETS, SIDEWALKS
AND PUBLIC PLACES" OF THE PROVIDENCE CODE OF ORDINANCES
TO ADD ARTICLE VII "GREEN AND COMPLETE STREETS"

Approved July 27, 2021

Be it ordained by the City of Providence:

Section 1. Chapter 23, "Streets, Sidewalks and Public Places" is hereby amended to add Article VII, "Green and Complete Streets" as follows:

ARTICLE VII. - GREEN AND COMPLETE STREETS

Sec. 23-167. - Vision and purpose.

Streets and sidewalks in the City of Providence carry not only people and goods, but also various utilities, including stormwater runoff. City streets also represent a sizeable portion of the city's overall land use and its publicly managed trees, and serve as windows into the city for visitors and residents alike. City streets and sidewalks serve people of all ages and abilities, while creating more mobility and independence for young people, seniors, and people with disabilities. They serve motorists and non-motorists, residents in wheelchairs, parents pushing strollers, kids biking and walking to school, and people who can't afford or don't want motor vehicles.

The City of Providence shall develop a safe, reliable, equitable, efficient, inviting, integrated and connected multimodal transportation system that will promote access, mobility and health of all kinds for all users and abutters, including people with mobility aids, and that will improve environmental quality and reduce polluted stormwater runoff. The goal of the city is to create a connected network of right-of-way facilities accommodating all modes of travel to the maximum practical extent and to promote the walkability and bikeability of the city's streets and sidewalks, along with good access to public transportation, beautification and shade from right-of-way trees, parks, schools, healthy food retail establishments, and responsible reduction and treatment of polluted stormwater.

Sec. 23-168. - Definition.

Green and complete streets means streets that are designed and operated to enable safe equitable access for all users, in that pedestrians, bicyclists, motorists and public transportation users of all ages and abilities are able to safely move along and across a street, provide for visual pleasure, including exposure to natural elements, promote cooling via robust tree canopy, and improve environmental quality by providing for reduction, accommodation, and on-site pretreatment of stormwater prior to eventual release into local waterways and the Narragansett Bay as part of a comprehensive stormwater management system.

Significant construction or repair projects shall mean any project that changes the curb line, curb cuts, or traffic geometry, any project that includes restriping of traffic geometry, or any new construction or improvement of off-road bicycle paths or multi-use trails, that is located on any streets, paths, or intersections designated as needing improvements in the City's Great Streets Plan, any street categorized as an arterial or collector road, or any such construction or repair project within 300 feet of a school or City recreation center.

Environmental justice areas shall mean any areas of the city identified through a current local, state, or federal mapping effort and validated by residents of those areas to prioritize improvements to environmental sustainability and health such that no group of people bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or the execution of federal, state, and local programs and policies.

Vulnerable road users shall mean any person walking; person bicycling; police officer or emergency worker on duty when outside of a vehicle; road worker performing duties outside of a vehicle; person riding on or driving a wheelchair, motorized or not; person riding on a scooter, motorized or not; person using a skateboard, inline skate, or roller skates

Sec. 23-169. - Scope of applicability.

- a) All publicly-owned transportation facilities in the public right-of-way including, but not limited to, streets and all other connecting pathways, as well as parking lots on publicly-owned land, shall be designed and constructed in conformance with the policy that users of all ages and abilities can travel safely and independently, residents and visitors experience pleasantly-designed urban streetscapes that incorporate greenery and shade trees, and stormwater is both reduced and treated on-site prior to entering the city's combined stormwater and wastewater conveyance system.
- b) The city shall make good faith efforts to foster partnerships with the State of Rhode Island and neighboring communities to develop facilities and accommodations that further the goals presented in both the Providence Great Streets Master Plan as well as the city's green and complete streets policy, as set forth in this Article, and continue such infrastructure beyond the city's borders.
- c) The city shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible, and more equitable streets for all users that are more attractive and that better manage stormwater. The design of new, rehabilitated, restored, resurfaced, or reconstructed facilities shall prioritize the safety and wellbeing of vulnerable road users and those living in environmental justice areas, and should anticipate likely future demand for bicycling, walking, transit, and motorist use, beautification elements, mitigation of urban heat island effect and stormwater runoff through increased tree canopy and other green infrastructure, and should not preclude the provision of future improvements. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation and maintenance. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects and major maintenance, must also be included.
- d) This Article shall apply to all persons and entities that apply for and receive permits from the Department of Public Works to perform construction, improvements and/or repairs on public roadways in the City, in accordance with Rules and Regulations promulgated by the Department of Public Works.
- e) The city shall utilize the performance measures as described in Section 23-173 to identify improvement projects to be included in the city's capital improvement plan and/or street pavement plan. The projects shall be identified based on their ability to address design issues on city-owned transportation facilities, such as improved safety and ease of use.
- f) All transportation infrastructure and street design projects in the city shall adhere to the requirements of this Article and Rhode Island General Law §24-16-2 titled "Complete Street Design."
- g) All projects initiated by the City Council through the use of Neighborhood Infrastructure Funds (NIF) and Community Development Block Grant (CDBG) funding shall be exempt from the requirements of this Article.

Sec. 23-170. - Green and Complete Streets Advisory Council.

- a) There is hereby created a Green and Complete Streets Advisory Council. The Advisory Council shall be comprised of the following members:
 - 1) The Director of Public Works or his/her designee who shall serve as a non-voting ex-officio member,
 - 2) the Director of Planning and Development or his/her designee who shall serve as a non-voting ex-officio member,

- 3) the Commissioner of Public Safety or his/her designee who shall serve as a non-voting ex-officio member,
 - 4) the Director of the Office of Sustainability or his/her designee who shall serve as a non-voting ex-officio member,
 - 5) the City Forester or his/her designee who shall serve as a non-voting ex-officio member,
 - 6) three members appointed by the Mayor, and
 - 7) four members appointed by the City Council.
- b) All appointed members shall be residents or domiciliaries of the city and shall each serve for terms of two years. None of the appointed members shall be an elected officer or employee of the city. Vacancies shall be filled for the unexpired term. No member shall serve beyond the date of expiration of said term unless reappointed. At the first meeting of the Advisory Council the voting members shall elect a chairperson by simple majority vote.
 - c) In appointing members to the Green and Complete Streets Advisory Council, the Mayor and City Council shall give due consideration to appointing members with expertise in the following areas: civil engineering, architecture, city planning, and environmental sustainability. In addition to the above described areas of expertise, the Mayor and City Council shall also give due consideration to appoint members who represent the diverse communities of the City.
 - d) The Green and Complete Streets Advisory Council shall include at least one representative of the aging community and a minimum of one member representing the disability community.
 - e) All meetings of the Green and Complete Streets Advisory Council shall be subject to the provisions of the Rhode Island Open Meetings Act.

Sec. 23-171. - Implementation.

- a) The city shall follow accepted or adopted design standards and use the best and latest design standards available. These standards include, but are not limited to Designing Walkable Urban Thoroughfares: A Context Sensitive Approach, NACTO's Urban Street Design Guide, and the Rhode Island Department of Environmental Management's Low Impact Design (LID) standards as reflected in its Stormwater Design Manual (2015) and LID Guide (2011). Links to these design standards shall be made publicly available on the city's website. In recognition of context sensitivity, public input and the needs of many users, a flexible, innovative and balanced approach that follows other appropriate design standards may be considered, provided that it provides a comparable level of safety for all users.
- b) All significant construction or repair projects subject to this Article shall be presented to the Green and Complete Streets Advisory Council by the sponsoring public agency for review during both the project's initial scoping phase and preliminary design phase.
 - 1) The Advisory Council's role in reviewing projects shall be advisory only.
 - 2) As part of its review, the Advisory Council members shall consider the project's level of compliance with this Article, and whether it implements the elements of the City's Great Streets Plan and other planning and policy documents adopted by the city, where applicable.
 - 3) The sponsoring public agency shall supply the Green and Complete Streets Advisory Council with all documents and plans at least fourteen (14) calendar days in advance of the regularly scheduled Advisory Council meeting at which the project is intended to be reviewed. Documents and plans shall be submitted to the staff of the Advisory Council in an electronic format and all submissions shall be accompanied by all documentation reasonably necessary to evaluate the project.
 - 4) Once documents and plans for a project have been received by the Advisory Council, the Advisory Council shall either review the project or decline to review the project within forty-five (45) calendar days of receipt of the documents and plans. Failure of the Advisory Council to act within the prescribed period shall constitute a declination to review the project and a letter documenting this decline shall be issued from the staff of the Advisory Council to the Director of the Department of Public Works.

- 5) All decisions relating to recommendations regarding projects by the Advisory Council shall be made available in writing to the Director of Department of Public Works and the Director of Planning and Development no more than twenty-one (21) calendar days from the date of the Advisory Council meeting at which the decision was made.
 - 6) The Director of Public Works shall document and communicate to staff for the Advisory Council the reasons that a project will deviate from the Advisory Council's written recommendations.
- c) Traffic calming improvements shall be evaluated as follows:
- 1) The Traffic Engineer shall conduct traffic studies each month, prioritizing obtaining traffic data on:
 - i) Streets with the most collisions in the preceding three 3 years that have not yet been studied by the Traffic Engineer, especially those with high levels of collisions involving people walking or bicycling,
 - ii) Streets included in the Great Streets Plan,
 - iii) Streets with at least two individuals requesting for traffic calming improvements,
 - iv) Streets the city plans to resurface within the next twelve months,
 - v) Streets throughout the city, such that each Ward contains at least one street studied for traffic calming improvements every six months.
 - 2) Based on the conducted studies, streets that are found to exceed at least one of the following quantitative thresholds shall automatically and immediately be granted preliminary approval by the Traffic Engineer for traffic calming improvements:
 - i) 15% of motor vehicles traveling faster than 30 mph over the study period,
 - ii) 20% of motor vehicles traveling faster than 35 mph for consecutive two hour periods on two days within the study period,
 - iii) 10% of motor vehicles traveling faster than 20 mph over the study period on a street narrower than 18 feet,
 - iv) 3,000 motor vehicles average daily traffic on a local road,
 - v) 50 collisions per million vehicle miles over a 3 year period,
 - vi) 20 persons injured per million vehicle miles over a 3 year period.
 - 3) The Green and Complete Streets Advisory Council may recommend that additional streets be granted preliminary approval for traffic calming improvements by the Traffic Engineer. Streets that are eligible for this discussion must meet one of the following quantitative thresholds:
 - i) 5% of motor vehicles traveling faster than 30 mph over the study period on a local or collector road
 - ii) 2000 motor vehicles average daily traffic on a local or collector road
 - iii) 10 collisions per million vehicle miles over a 3 year period
 - iv) 10 persons injured per million vehicle miles over a 3 year period
 - 4) All streets recommended by the Advisory Council for traffic calming improvements shall be prioritized for installation first by the number of injuries recorded over a three year period and then by their 95th percentile speeds.
 - 5) In consultation with staff from the Police Department, Fire Department, Department of Planning and Development, and the City Council, the Traffic Engineer shall evaluate the most appropriate design for improvement. This design must be completed within six months of the Advisory Council's recommendation, unless the Advisory Council shall issue a waiver of the six month period.
 - 6) The Director of Planning and Development shall review for final approval plans prepared by the Traffic Engineer for streets preliminarily approved for traffic calming improvements.

- 7) The Department of Public Works shall install traffic calming improvements upon final approval in the prioritized order determined in subsection (5).
 - 8) During the three (3) months following installation of traffic calming improvements, the Traffic Engineer shall conduct a second traffic study for each installed location to evaluate the effectiveness of the improvements. If this traffic study still qualifies the location for preliminary approval under subsections (2) or (3), additional improvements shall be evaluated by the Traffic Engineer according to the above process.
 - 9) All Advisory Opinions rendered by the Advisory Council shall be published on the City's website within fourteen (14) calendar days of issuance.
- d) The Green and Complete Streets Advisory Council shall review on an annual basis all existing plans, manuals, checklists, decision-trees, rules, regulations, and programs of city departments as appropriate (including, but not limited to any short-term, medium-term, and long-term capital plans) for compliance with green and complete streets principles. The Advisory Council shall annually provide a written report to the City Council and Administration outlining all suggested changes to such land use policies, zoning ordinances, etc. that will better align with green and complete streets principals.
 - e) The Green and Complete Streets Advisory Council shall review all current street and sidewalk design standards to ensure that they reflect the best available design standards and guidelines, and effectively implement green and complete streets, where feasible.
 - f) The Green and Complete Streets Advisory Council shall ensure equitable and inclusive community engagement for all project phases from planning to implementation.
 - g) When available, the city shall make good faith efforts to encourage staff professional development and training on non-motorized transportation issues and best practices of right-of-way green infrastructure through attending conferences, classes, seminars, and workshops.
 - h) City staff shall make good faith efforts to identify all current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support the green and complete streets projects.
 - i) The city shall create plans and set goals to ensure the successful implementation of this Article in environmental justice areas and shall prioritize environmental justice areas for improvements.
 - j) Projects developed under this Article shall improve ease of travel, comfort and safety for people with disabilities and the elderly.
 - k) The city shall promote inter-departmental project coordination among city departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
 - l) The city shall make good faith efforts to include an educational component to ensure that all users of the transportation system understand and can safely utilize green and complete streets project elements.
 - m) The city shall make good faith efforts to encourage improved access to public transit, parks, schools, and healthy food retail establishments, in all development plans reviewed and approved by the city.

Sec. 23-172. - Exceptions.

- a) Applications for waivers or exceptions shall be reviewed and approved by the Green and Complete Streets Advisory Council based on the following criteria:
 - 1) An affected roadway prohibits, by law, use by specified users, in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross, run parallel to, or otherwise intersect with the affected roadway;
 - 2) The activities are ordinary maintenance activities designed to keep assets in serviceable condition (including, but not limited to, mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal or interim measures);

- 3) The Director of Planning and Development issues a recommendation that the application of this article is unnecessary or unduly cost prohibitive, based upon all reasonable alternatives commensurate to the project scope of work being exhausted and documented, in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway.
- 4) Other available means or factors indicate an absence of need, including future need.
- b) Notwithstanding the provisions of subsection (a), the Commissioner of Public Safety may issue a waiver or an exception in the form of an executive order if application of this Article would be contrary to public safety, with notice given to the Green and Complete Streets Advisory Council within two business days from the date of the Commissioner's decision regarding said application.
- c) All documentation regarding any waiver or exception application shall be publicly available.
- d) All proposed exceptions must be mode-specific, specifying which Complete Streets principles should be exempted. Infeasibility of one mode of transportation should not exempt a project from incorporating other Complete Streets principles

Sec. 23-173. - Performance measures and reporting.

A report shall be submitted annually to the City Council and placed on the city's website by the Director of Public Works and the Director of Planning. The annual report shall document the annual increase or decrease for each of the following.

- 1) Assessment of linear feet of sidewalk in need of repair or construction to be performed on an annual basis;
- 2) Replacement of non-ADA compliant curb ramps;
- 3) Number of intersection legs without crosswalks
- 4) Total miles of bike lanes;
- 5) Number of street trees;
- 6) Maintenance activities of existing green and complete streets facilities;
- 7) Number of traffic complaints and calming requests by street name;
- 8) Number and severity of traffic violations and crashes by mode;
- 9) Total dollar amount spent on green and complete streets activities;
- 10) Number of new stormwater management improvements in the city;
- 11) Number of traffic calming devices installed, as well as those evaluated and approved for installation;
- 12) Number of crosswalk and intersection improvements installed;
- 13) Number of people biking on a representative sample of streets and trails;
- 14) Number of people riding Rhode Island Public Transit Authority buses within the City;
- 15) Number of applications and waivers requested and granted, along with the justification for any waivers granted;
- 16) Opportunities for community stakeholders in environmental justice areas to influence how these improvements are prioritized;
- 17) Number of Green and Complete Streets improvements made in environmental justice areas.

Section 2. Chapter 15, "Motor Vehicles and Traffic" is hereby amended as follows:

Sec. 15-2. - Penalties for traffic violations.

(a) *Generally.* The general penalties provided for by section 1-10 of this Code of Ordinances shall apply to violations of this chapter or any regulations made there under except that any person electing to appear before the clerk of court, or mailing the same, in lieu of a personal appearance before the Providence Municipal Court and admitting the violation charged, shall be punished by a fine as hereinafter respectively set forth:

Offense fine

Parking from 2:00 a.m. to 5:00 a.m.*	\$20.00
Overtime parking from 5:00 a.m. to 2:00 a.m.	20.00
Parking without permit in a residential zone	15.00
Parking at expired meter	25.00
Parking during an emergency	100.00
Parking so as to obstruct the flow of traffic	75.00
Parking in prohibited area (no parking)	30.00
Parking within eight (8) feet of fire hydrant	100.00
Parking in loading zone	30.00
Parking in taxi stand	30.00
Parking within twenty-five (25) feet of corner	30.00
Parking to obstruct driveway	30.00
Parking within twelve (12) inches of a driveway as measured by a line running along the curb in either direction	30.00
Parking on sidewalk	100.00
Parking in a bicycle lane	100.00**
Standing in prohibited areas	30.00
Double parking (more than three (3) feet from curb)	30.00
Parking in marked bus stop	100.00**
Parking in excess of one (1) foot, but not more than three (3) feet from curb	30.00
Parking with left wheels to curb	30.00
Angle parking	30.00
Parking on marked crosswalk or within intersection	100.00**
Stopping bus away from curb	30.00
Parking in a tow zone	100.00
Violation of moving vehicle traffic regulation	75.00

* Except in those areas designated as resident permit parking areas (which allow for residential permit parking only between the hours of 2:00 a.m. and 5:00 a.m.).

** The city shall contribute any increase in revenue generated from the increase in fine amounts to smart growth initiatives.

In the event any of the foregoing stated fines are not paid or a plea of not guilty to the citation is entered prior to the fourteenth day after date of violation, said fines shall be doubled.

In the event any of the foregoing stated fines are not paid or a plea of not guilty to the citation is entered subsequent to the fourteenth day and prior to the twenty-eighth day after date of violations, said fines shall be tripled.

(b) *Meter violations.* Where the violation occurs in a metered space it shall be a separate violation for vehicles remained parked in said space for each consecutive unit of time beyond the first unit of time, up to a maximum of two (2) violations.

Section 3. This ordinance shall take effect upon passage.

<p>CITY COUNCIL JUL 15 2021 FINAL READING READ AND PASSED <i>[Signature]</i> ACTING</p>	<p>IN CITY COUNCIL JUL 21 2021 FINAL READING READ AND PASSED JOHN J. IGLIOZZI, PRESIDENT <i>[Signature]</i> CLERK ACTING</p>
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I HEREBY APPROVE.

[Signature]

 Mayor

Date: 7/27/21