

## Review of IDOT BDE Chapter 5 & 17 Revisions

Active Transportation Alliance and League of Illinois Bicyclists

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### Summary

The draft revisions to the BDE manual do not comply with the 2007 IL complete streets law, which says that “bicycle and pedestrian ways shall be established” in urban areas, with certain exceptions. The fundamental problem is the structure of local match requirements for both bicycle and pedestrian facilities mean these accommodations will not be included in many projects where they are vital to safety. The draft language frequently differentiates between the “IDOT project” and the bicycle or pedestrian accommodation indicating these accommodations are extraneous. This is the opposite of the policy delineated in the law.

The draft document does not give appropriate guidance to pedestrian design. Most pedestrian design guidance is missing entirely. The CMAP recommendations contain the design guidance that should be considered.

The draft document does not give appropriate guidance to bicycle design. The bicycle recommendations provide no guidance on alternatives for projects where ROW is limited or additional ROW would be cost prohibitive. ROW constraints are common and the lack of alternatives is a critical omission.

### Specific Comments on Sidewalk Policies

Changing sidewalk policies had been envisioned as the main result coming from the Complete Streets law. There are no substantial, *firm* changes in the draft. The result will continue to be too many suburban-type arterials without sidewalks, where they are much needed. Specific comments:

- “All sidewalk construction can be considered for federal-aid participation...” is a positive change but not a firm commitment. Otherwise, there was no change to the cost-share ratios which placed Illinois near the bottom of 17 states (our 2002 survey). CMAP’s 2008 recommendations were right on: “The state and local shares of new and replacement sidewalk construction (including right-of-way, utility adjustments, ... and other similar items that are required solely for sidewalk construction) shall be the same as the overall roadway project.”
- Not seen (but hopefully implied?) in the draft is a change in who initiates sidewalks in the scoping. Previously this was the choice of (each) local agency, but now the law implies the State. Also, there is no mention on whether sidewalks are needed on one or both sides of the road. The FHWA’s New Sidewalk Installation table provides that guidance as a function of land use and roadway classification.

- Local maintenance of state-built sidewalks is common in other states. However, “if the Local Agency does not agree to maintain the sidewalk, the State will not construct it, even if it is warranted” is not one of the exceptions in the law. We believe accepting maintenance should be a requirement of local agencies, as one of the conditions for the road project being constructed.
- AASHTO published its first pedestrian guide in 2004. Aspects of this guide should (eventually) be incorporated, as CMAP recommended in its BDE review (2008).
- Some positive changes in the draft include: removing the section about deleting sidewalks from the design if it delays the project; and State taking reasonable actions to not preclude future sidewalks.

#### Specific Comments on Bicycle Policies

The biggest need here had been improving the adequacy (and cost flexibility) of urban cross-section bike policy. The selection table is an improvement in accommodation level and clarity (for designers). Big issues remain with cost-sharing (which likely have worsened) and flexibility. Specific comments:

- The draft selection table removes BDE’s ambiguity of when Bike Lanes and Sidepaths are warranted, and calls for a high level of accommodation appropriate for a much broader range of adult cyclists. However, 17-1.03’s safety issues/excessive cost statement and example is not clear and suggests a giant loophole that could lead to no accommodation, if the specified treatment can not be met.
- To address this, the table should list a “primary” and “secondary” accommodation, for each case. The primary would probably be that already in the draft. The secondary(ies), a lesser but still fairly adequate accommodation, comes into play when excessive cost (or another exception) is cited. Suggestions for secondaries will be provided separately, e.g., the existing rural policy shoulder widths, and on-road options (wide shoulders, bike lanes) where the primary sidepath is not possible.
- The new AASHTO bike guide should be out within a year, including a selection table for the first time. When that occurs, the BDE selection table should be revised for consistency, as needed.
- If local agencies want a higher (costlier) level of accommodation than the primary, provide much-needed flexibility by assigning them only (but 100% of) *the incremental cost* above the primary.
- It seems that Bike Lane and Sidepath cost shares worsened. Existing policy includes 17-1.07 (“Bicycle facilities...*are* eligible for Federal cost participation”, “...necessary off-roadway accommodations may be included within the overall improvement cost-sharing formula”) and State payment of on-road wide outside curb lanes, paved shoulders, and bike lanes (where warranted). In the draft revision, Bike Lanes and Sidepath cost shares mimic the disappointing sidewalk cost shares.

#### Other Specific Comments

- The interpretation of the law’s exceptions in 17-1.02 is very good (including the much-needed bike map current usability clarification). However, this section correctly does not include the other

“exceptions” generated from IDOT’s interpretation: locals not meeting cost-share or maintenance requirement, and potential CSS conflicts.

- Good definition of urban area.
- The bike and ped warrants, and Determining Bicycle Travel Demand, have always been very good. An adjustment is needed for the new law. If the project is in an urban area, the basic accommodation is warranted. The assessment is necessary to determine what needs to be done beyond the basic.
- The CSS law always was meant to be multimodal (in addition to increasing public input). Strictly speaking, and comparing what has “shall” and what has “consideration” in the two laws, Complete Streets trumps any possible conflicting output from the CSS process. We wonder: what CSS process would say no to non-motorized accommodation where there is need? Would such a stakeholder group consist primarily of adjacent landowners and others not receptive to dedicating space to bike/ped? Are bike/ped users being held to a higher requirement than motorists, in that they must be present to have their needs advocated?
- Several other minor suggestions have been added throughout text of the draft.

### Conclusion

We continue to be willing to assist IDOT with the development of revisions to implement the law. In particular we are willing to help develop a local match policy that achieves the objectives of the law and is financially responsible. There are models in other states that we are willing to assist with research. We urge the secretary to engage the advocates and MPOs in a discussion of the CMAP recommendations which were developed with great care at public expense.