

**ORDINANCE NUMBER \_\_\_\_\_**  
**AN ORDINANCE TO ADOPT A “COMPLETE STREETS”**  
**POLICY IN THE CITY OF HATTIESBURG**

WHEREAS, City of Hattiesburg policy as stated in the Comprehensive Plan is to make city Streets safe, comfortable and convenient for travel via automobile, foot, bicycle, and transit by adopting a Complete Streets policy; and

WHEREAS, increasing walking and bicycling offers the potential for improved health, reduced traffic congestion, a more livable community, and more efficient use of road space and resources; and

WHEREAS, the Complete Streets guiding principle is to design, operate and maintain Streets to promote safe and convenient access and travel for all Users, including residents who do not or cannot drive, such access to include sidewalks, Bicycle Lanes, Shared-Use Pathways, and vehicle lanes; and

WHEREAS, other jurisdictions and agencies nationwide have adopted Complete Streets legislation including the U.S. Department of Transportation, the state of Tennessee, and communities in Mississippi and Alabama; and

WHEREAS, the City of Hattiesburg will implement Complete Streets policy by designing, operating and maintaining the transportation network to improve travel conditions for bicyclists, pedestrians, cars, and transit in a manner consistent with, and supportive of, the surrounding community; and

WHEREAS, the City of Hattiesburg recognizes the number of cost-effective improvements to existing roads that can increase access and safety, including crosswalks, Bicycle Lanes, signage, bulb outs, on-street parking, adding trees, and changing the signalization of traffic lights; and

WHEREAS, the City of Hattiesburg will implement policies and procedures with the construction or reconstruction of transportation facilities to support the creation of Complete Streets including capital improvements and re-channelization projects, recognizing that all Streets are different and in each case User needs must be balanced;

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI, AS FOLLOWS:

Section 1. The City of Hattiesburg will plan for, design and construct all new Transportation Improvement Projects to provide appropriate accommodation for pedestrians, bicyclists, motorists, and persons of all abilities, while promoting safe operation for all Users, as provided for below.

Section 2. Definitions

The following words and phrases, whenever used in this ordinance, shall have the meanings defined in this section unless the context clearly requires otherwise:

- 1) “Complete Streets Infrastructure” means design features that contribute to a safe, convenient, or comfortable travel experience for Users, including but not limited to features such as: sidewalks; Shared-Use Pathways; Bicycle Lanes; automobile lanes; paved shoulders; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, and public transportation stops and facilities.
- 2) “Street” means any right of way, public or private, including arterials, collectors, local roads, and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network.
- 3) “Transportation Improvement Project” means the construction, reconstruction, retrofit, or alteration of any Street, and includes the planning, design, approval, and implementation processes, except that “Transportation Improvement Project” does not include routine upkeep such as cleaning, sweeping, mowing, spot repair, or pavement resurfacing, and does not include projects with a total cost of less than \$20,000.
- 4) “Bicycle Way” means any course intended for the preferential use of bicyclists. Examples include Bicycle Lanes and Shared-Use Paths.
- 5) “Pedestrian Way” means any course intended for the preferential use of pedestrians. Examples include sidewalks and Shared-Use Paths.

- 6) "Bicycle Lane" means a portion of a roadway (either with curb and gutter or a flush shoulder) which has been designated by striping, and special pavement markings or signing for the preferential use by bicyclists. The minimum viable width for a Bicycle Lane is four feet and traffic flow is one-way.
- 7) "Shared-Use Pathway" means a multi-use pathway for all non motorized users including pedestrians and bicyclists. The minimum viable width for a Shared-Use Pathway is eight feet and traffic flow is two-way.
- 8) "Users" mean individuals that use Streets, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

### Section 3. Requirements

The City of Hattiesburg will implement the Complete Streets principles as follows:

- 1) Every Transportation Improvement Project shall incorporate Complete Streets Infrastructure including both Bicycle and Pedestrian Ways sufficient to enable reasonably safe travel along and across the right of way for each category of Users; unless one or more of these conditions exists and is documented:
  - a) Bicyclists or pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right-of-way or within the same transportation corridor.
  - b) The cost of establishing bikeways or walkways would be excessively disproportionate to the total cost of the transportation project. "Excessively disproportionate" is defined as exceeding twenty percent of the total cost.
  - c) Severe existing topographic, natural resource, or right-of-way constraints exist that preclude construction of Bicycle or Pedestrian Ways without incurring excessive costs.
  - d) Bicycle Ways will not be required on local Streets where the speed limit is 25 mph or less.
  - e) Bicycle Ways will not be required if a parallel Bicycle Way exists within a 400 foot distance.
  - f) Pedestrian Ways will not be required in areas of very low population density.
  - g) The City Council issues a documented exception concluding that application of Complete Streets principles to a location is inappropriate because it would be contrary to public benefit and safety.
- 2) Sidewalks, Shared-Use Paths, Street crossings (including over and under passes), pedestrian signals, signs, Street furniture, transit stops, and other facilities, shall be designed, constructed, operated, and maintained so that all pedestrians, including people with disabilities, can travel safely and independently.
- 3) As feasible, the city shall incorporate Complete Streets Infrastructure into existing Streets to improve the safety and convenience of Users, and construct and enhance the transportation network for each category of Users.
- 4) If the safety and convenience of Users can be improved within the scope of pavement resurfacing, restriping, or signalization operations on Streets, such projects shall implement Complete Streets Infrastructure where feasible.
- 5) The Department of Engineering and Department of Urban Development shall review and develop proposed revisions to all appropriate zoning and subdivision codes, procedures, regulations, guidelines, and design standards to integrate, accommodate, and balance the needs of all Users in all Transportation Improvement Projects.

### Section 4. Statutory Construction and Severability

- 1) This Ordinance shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this Ordinance authorizes any City agency to impose any duties or obligations in conflict with limitations on municipal authority established by federal or state law at the time such agency action is taken.
- 2) In the event that a court or agency of competent jurisdiction holds that a federal or state law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this Ordinance or the application thereof to any person or circumstances, it is the intent of the Ordinance that the court or agency sever such clause, sentence, paragraph, or section so that the remainder of this Ordinance remains in effect.

- 3) In undertaking the enforcement of this Ordinance, the City of Hattiesburg is assuming only an undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation through which it might incur liability in monetary damages to any person who claims that a breach proximately caused injury.

Section 5. That this Ordinance take effect and be in force thirty (30) days from and after passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced by Council person \_\_\_\_\_, seconded by Council person \_\_\_\_\_, and was adopted by the following vote to-wit:

YEAS:

NAYS:

The President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the 5<sup>th</sup> day of July, A.D., 2011.

ATTEST:

ADOPTED:

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT

The above foregoing Ordinance having been submitted to and approved by the Mayor, this the 5<sup>th</sup> day of July A.D., 2011.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR