

Fairfield Beach, Center Street, Pine Creek Pump Stations upgrade and Force Mains replacement - Design only

Project Cost - \$1,234,000

Previously Approved -\$900,000 (\$300,000 each)

Additional Request - \$336,000

Town Share – None; funded by WPCA

1. **Background:** WPCA completed an evaluation in 2018 of the sanitary sewer system infrastructure, including the eight (8) existing pumping stations and associated force mains, to determine compliance with the EPA and FEMA requirements. Based on this evaluation, due to age, safety and their location in high risk flood zones, three (3) pump stations (Fairfield Beach, Center Street and Pine Creek) were deemed in need of significant upgrades to the building structures, operating systems, and force main pipes. In June 2022 and September 2022 respectively, WPCF requested funds for the design of Fairfield Beach pump station and force main replacement (\$300K) and Center Street and Pine Creek pump stations and force main replacement (\$600K). The resiliency nature of this project makes it a potential candidate for grants and/or loans under CTDEEP's Connecticut Clean Water Fund which requires engineering services be hired through Quality Based Selection (QBS). A QBS Request for Qualifications (RFQ) was issued in June 2023 and the selected consultant, Tighe & Bond, developed a scope of services together with WPCF and Engineering to design the upgrade of these three (3) pump stations and their force mains.
2. **Purpose & Justification:** This project is necessary to upgrade and replace aged equipment and structural components of the stations and force mains to ensure continued and uninterrupted service to a critical part of our sewer system near Long Island sound, and to mitigate flood damage during major weather events.
3. **Detailed Description of Proposal:** Scope of services is comprised of 2 design tasks: Task 1 Survey and Investigative Services for the 3 stations and force mains, and Task 2 Design of Center Street, Fairfield Beach and Pine Creek Pump Stations. The investigation and analysis work under Task 1 includes site investigation to assess existing structural conditions, field survey and identification of easements, investigation of hazardous building materials, hydraulic analysis to confirm existing and future flows, confirmation of required force main sizes based on future pump rates, structural inspection of existing force mains if required based upon results of the hydraulic and force main sizing analysis, field survey of all force mains, development of an Engineering Report recommending the design approach for the upgrade of each pump station including an Engineer's Opinion of Probable Construction Cost. The design work under Task 2 includes geotechnical investigation, environmental soil sampling, permitting, energy evaluation, CTDEEP funding assistance, and development of the 30%, 60% and 100% design documents for construction bidding. The design shall include flood proofing the existing structures to withstand a 100-year flood event; this may require complete replacement of the existing structure and possible elevation of the structure. Electrical and mechanical equipment will be upgraded and elevated 3ft+ above the 100-year base flood elevation. Outdated structural components such as steel framing and grating, access hatches and ladders will be upgraded to current safety standards. Existing

pumps, piping, valves and control systems will be replaced and third pump to the system with an included pump by-pass provision that is accessible from ground level. Replace the existing stand-by generators with a new natural gas/propane fueled generator at an elevation to protect from flooding. Upgrade the wet well and dry well ventilation system. The existing force mains will be replaced with new if deemed necessary by results of hydraulic analysis and/or structural conditions.

4. **Reliability of Estimated Cost:** Cost estimate is 10 out of 10. This is for design.
5. **Increased Efficiency:** Buildings will be up to code with the latest energy efficient pumps and controls. New piping and building upgrades will ensure long service life and protection from major storm flooding that could cause environmental impacts.
6. **Additional Long-Range Costs:** Maintenance of the station will be bore by the WPCA out of the operating budget.
7. **Additional Use or Demand on Existing Facilities:** None
8. **Alternatives to this request:** No other alternatives other than upgrade existing structure and equipment to address current standards and flood mitigation. The Do Nothing alternative means stations and their system components continue to age and deteriorate while also remaining high risk for flood damage that could have potential environmental impacts.
9. **Safety and Loss Control:** Safety will be improved to the building, equipment, personnel and the environment upon completion.
10. **Environment Considerations:** Will be addressed in construction documents and plans to properly protect Long Island Sound.
11. **Insurance:** All selected participants will be required to carry the necessary insurance as directed by the Town of Fairfield
12. **Financing/Project Life:** Funded by the WPCA fund balance. Following CTDEEP requirement for Quality Based Selection (QBS) of design consultant, future construction of this project may be eligible for grants and/or loans under the Clean Water Fund (CWF).
13. **Other Considerations:** None
14. **Other Approvals:**

	<u>Previous Request</u>	<u>This Request</u>
WPCA	6/15/2022, 9/21/2022	9/20/2023
BOS	6/20/2022, 10/3/2022	
BOF	6/20/2022, 10/18/2022	
RTM	6/27/2022, 10/24/2022	

Toll House, Mill River, Eastfield and Willow Street Pump Stations and Force Mains Investigation - Design only

Project Cost - \$235,000

Town Share – None; funded by WPCA

1. **Background:** WPCA completed an evaluation in 2018 of the sanitary sewer system infrastructure, including the eight (8) existing pumping stations and associated force mains, to determine compliance with the EPA and FEMA requirements. Based on this evaluation, due to age, safety and flood zone locations, the stations have been prioritized into two rehabilitation phases (I & II). Phase I consists of three (3) pump stations (Fairfield Beach, Center Street and Pine Creek) in high risk flood zones that are deemed in need of significant upgrades to the building structures, operating systems, and force main pipes. Phase 2 consists of four (4) stations (Toll House, Mill River, Eastfield and Willow Street) that are in need of structural, operating and safety upgrades, with Mill River and Toll House also being in flood zones. The resiliency nature of this project makes it a potential candidate for grants and/or loans under CTDEEP's Connecticut Clean Water Fund which requires engineering services be hired through Quality Based Selection (QBS). A QBS Request for Qualifications (RFQ) was issued and the selected consultant, Tighe & Bond, developed a scope of design services with WPCF and Engineering for Phases I and II. It was deemed cost efficient to perform the investigation phase for both Phase I and II concurrently. As such, Phase I will progress with the investigation phase through to final design; Phase II will progress with the investigation phase to develop the best design approach with estimated future construction costs for these four (4) stations.
2. **Purpose & Justification:** This project is necessary to upgrade and replace aged equipment and structural components of the stations and force mains to ensure continued and uninterrupted service to a critical part of our sewer system near Long Island sound, and to mitigate flood damage during major weather events.
3. **Detailed Description of Proposal:** Proposed scope of services includes Task 1 Survey and Investigative Services for the four (4) stations (Toll House, Mill River, Willow Street and Eastfield) and two (2) force mains (Toll House and Mill River). The investigation and analysis work under Task 1 includes site investigation to assess existing structural conditions, field survey and identification of easements, investigation of hazardous building materials, hydraulic analysis to confirm existing and future flows, confirmation of required force main sizes based on future pump rates, structural inspection of two (2) existing force mains (Toll House and Mill River) if required based upon results of the hydraulic and force main sizing analysis, field survey of all force mains, and development of an Engineering Report recommending the design approach for the upgrade of each pump station including an Engineer's Opinion of Probable Construction Cost.
4. **Reliability of Estimated Cost:** Cost estimate is 10 out of 10. This is for a design investigation to develop the best design approach for the four (4) stations.
5. **Increased Efficiency:** Buildings will be up to code with the latest energy efficient pumps and controls. New piping and building upgrades will ensure long service life and protection from major storm flooding that could cause environmental impacts.

6. **Additional Long-Range Costs:** Maintenance of the station will be bore by the WPCA out of the operating budget.
7. **Additional Use or Demand on Existing Facilities:** None
8. **Alternatives to this request:** No other alternatives other than upgrade existing structure and equipment to address current standards and flood mitigation. The Do Nothing alternative means stations and their system components continue to age and deteriorate and Mill River and Toll House will remain at risk for flood damage during major storm events that could have environmental impacts.
9. **Safety and Loss Control:** Safety will be improved to the building, equipment, personnel and the environment upon completion.
10. **Environment Considerations:** Will be addressed in construction documents and plans to properly protect Long Island Sound.
11. **Insurance:** All selected participants will be required to carry the necessary insurance as directed by the Town of Fairfield
12. **Financing/Project Life:** Funded by the WPCA fund balance. Following CTDEEP requirement for Quality Based Selection (QBS) of design consultant, future construction of this project may be eligible for grants and/or loans under the Clean Water Fund (CWF).
13. **Other Considerations:** None
14. **Other Approvals:**

WPCA 9/20/2023
BOS
BOF
RTM

20 YEAR

A RESOLUTION APPROPRIATING \$6,286,480 FOR THE COST OF ROOF REPLACEMENT PROJECTS AT HOLLAND HILL ELEMENTARY SCHOOL AND NORTH STRATFIELD ELEMENTARY SCHOOL AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION

RESOLVED:

1. As recommended by the Board of Finance and the Board of Selectmen, the Town of Fairfield (the "Town") hereby appropriates the sum of Six Million Two Hundred Eighty-Six Thousand Four Hundred Eighty and 00/100 Dollars (\$6,286,480) for costs related to: i) the Holland Hill Elementary School partial roof replacement project in the amount of \$1,863,680, which costs include but are not limited to: disposal of existing roof; materials; engineering services; architectural services; project inspection and oversight; and installation of the new roof (the "Holland Hill Project"); ii) the North Stratfield Elementary School roof replacement project in the amount of \$4,422,800, which costs include but are not limited to: disposal of existing roof; materials; engineering services; architectural services; project inspection and oversight; and installation of the new roof (the "North Stratfield Project"); and iii) all administrative, financing, legal, contingency and other soft costs related to the Holland Hill Project and the North Stratfield Project (collectively the "Project").
2. To finance such appropriation and in lieu of a tax therefor, and as recommended by the Board of Finance and the Board of Selectmen, the Town may borrow a sum not to exceed Six Million Two Hundred Eighty-Six Thousand Four Hundred Eighty and 00/100 Dollars (\$6,286,480) and issue its general obligation bonds/bond anticipation notes for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum for the purpose of financing the appropriation for the Project.
3. The Board of Selectmen, the Treasurer and the Chief Fiscal Officer of the Town are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form and terms, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to determine whether the interest rate on any series will be fixed or variable and to determine the method by which the variable rate will be determined, the terms of conversion, if any, from one mode to another or from fixed to variable; to set whatever other terms of the bonds they deem necessary, desirable or appropriate; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes, as amended (the "Statutes") including Chapter 748 (Registered Public Obligations Act) and Chapter 109

(Municipal Bond Issues) to issue, sell and deliver the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and under rules of the Securities and Exchange Commission, and other applicable laws and regulations of the United States, to provide for issuance of the bonds in tax exempt form and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from Federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations, the filing of information reports as and when required, and the execution of Continuing Disclosure Agreements for the benefit of the holders of the bonds and notes.

4. The First Selectwoman and Treasurer or Chief Fiscal Officer, on behalf of the Town, shall execute and deliver such bond purchase agreements, reimbursement agreements, line of credit agreement, credit facilities, remarketing, standby marketing agreements, standby bond purchase agreements, and any other commercially necessary or appropriate agreements which the Committee determines are necessary, appropriate or desirable in connection with or incidental to the sale and issuance of bonds, and if the Committee determines that it is necessary, appropriate, or desirable, the obligations under such agreements shall be secured by the Town's full faith and credit.
5. The First Selectwoman and Treasurer or Chief Fiscal Officer shall execute on the Town's behalf such interest rate swap agreements or similar agreements related to the bonds for the purpose of managing interest rate risk which the Committee determines are necessary, appropriate or desirable in connection with or incidental to the carrying or selling and issuance of the bonds, and if the Committee determines that it is necessary, appropriate or desirable, the obligations under such interest rate swap agreements shall be secured by the Town's full faith and credit.
6. The bonds may be designated "Public Improvement Bonds of the Town of Fairfield", series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three years from the date of issue and the last installment to mature not later than twenty (20) years from the date of issuance or as otherwise provided by statute. The bonds may be sold at an aggregate sales price of not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semi-annually or annually. The bonds shall be signed on behalf of the Town by at least a majority of the Board of Selectmen and the Treasurer, and shall bear the seal of the Town. The signing, sealing and certification of the bonds may be by facsimile as provided by statute.

7. The Committee is further authorized to make temporary borrowings as authorized by the Statutes and to issue temporary notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such time and with such maturities, requirements and limitations as provided by the Statutes. Notes evidencing such borrowings shall be signed by the First Selectwoman and Treasurer or Chief Fiscal Officer, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.
8. Pursuant to Section 1.150-2, as amended, of the Federal Income Tax Regulations the Town hereby declares its official intent to reimburse expenditures (if any) paid for the Project from its General or Capital Funds, such reimbursement to be made from the proceeds of the sale of bonds and notes authorized herein and in accordance with the time limitations and other requirements of said regulations.
9. The First Selectwoman, Chief Fiscal Officer and Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution.
10. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds and notes in accordance with the provisions of the Statutes and the laws of the United States.
11. The First Selectwoman or other proper Town official, including the Board of Education, is authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary and proper in connection therewith. Any such grants or contribution received prior to the issuance of the bonds authorized herein shall be applied to the costs of the Project or to pay at maturity the principal of any outstanding bond anticipation notes issued pursuant this resolution and shall reduce the amount of the bonds that can be issued pursuant to this resolution. If such grants and contributions are received after the issuance of the bonds, they shall be applied to pay the principal on the bonds or as otherwise authorized by the Board of Selectmen, Board of Finance and Representative Town Meeting provided such application does not

adversely affect the tax-exempt status of the bonds or the Town's receipt of such grant or contribution.

MEMORANDUM

TO: Josh Garskof, Chair, Fairfield RTM Legislation and Administration Committee
CC: Betsy Brown, Town Clerk
Mark McDermott, RTM Moderator

FROM: Bill Gerber (District 2)

Co-sponsors: Bill Gerber (D2), Cynthia Perham (D2), Jeff A. Galdenzi (D3), Tom Lambert (D3), Sharon Pistilli (D3), Laura Karson (D4), Michelle Lapine McCabe (D4), Elizabeth A Zezima (D4), Marcy Spolyar (D4), Jennifer Barahona (D5), Joe Siebert (D5), Jay Wolk (D5), Steve Berecz (D6), Andrew Graceffa (D6), Lisa Havey (D6), John K. Kuhn (D7), Mark McDermott (D7), Jill Vergara (D7), Karen Wackerman (D7), Christine Brown (D9), Dru Mercer Georgiadis (D9), Margaret Horton (D9). *Open to additional co-sponsors.*

Re: Safe and Livable Streets Ordinance

DATE: July 20, 2023

This Safe and Livable Streets Ordinance addresses a demand for safe, shared access to the public right-of-way that is not currently being met. Increasing traffic has exacerbated conflicts within the public right-of-way among and between different types of users, including motor vehicles, pedestrians, and cyclists. This has led to an unacceptable level of crashes, injuries, fatalities, complaints, and near-misses.

The term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are traveling as drivers, pedestrians, bicyclists, or public transportation riders. While policies and strategies described and applied within a Complete Streets rubric represent a shift in traditional road design and construction philosophy, they are not new or experimental. They are, in fact, the new normal in many cities and towns in the United States and around the world. Many of these concepts were adopted by the Town of Fairfield under its Bicycle and Pedestrian Master Plan endorsed by the Board of Selectmen on June 19, 2013, and its Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018. Progress towards Complete Streets has been insufficient, however, in part due to the application being optional and inconsistent.

The State of Connecticut and its Department of Transportation have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”. The adoption of this ordinance will require application of Fairfield’s Complete Streets Policy, as amended from time to time, with a formal exception approval process. This should increase the scope and pace of Fairfield’s transformation into a safer, more walking, biking, and driving-friendly community. Having an ordinance instead of just the current inconsistently followed policy may potentially enhance how Fairfield is scored when applying for applicable grants.



Holland Hill Elementary School Partial Roof Replacement Project

Holland Hill Elementary School

Holland Hill Elementary School Partial Roof Replacement

\$1,863,680

Background: Holland Hill Elementary School was built in 1956, with additions and alterations in 1978, 2001 & 2018. The six built-up roof areas originally installed in 1991 and 1996 are now out of warranty and are approaching the end of life. The roof systems are showing signs of failure, and our roof preventative maintenance contractor has reported that it is time to replace these roofs before further damage increases rapidly. This request is for the funding of the replacement of these roofs.

Purpose & Justification: This project is intended to replace the parts of the roof at Holland Hill Elementary School, showing multiple areas of fatigue. The district has identified the roof as needing replacement on the roofing waterfall chart. The areas to be replaced were not part of the latest building alteration and addition project.

Detailed Description: This expenditure would cover the total costs for removing the five roof areas down to the existing roof deck and installing a new roofing system. These funds would also cover the bidding and construction administration costs and a contingency for unforeseen conditions that might be uncovered during construction activities. The replacement of a new roofing system will carry a minimum twenty-year warranty.

Estimated Cost: The cost of this funding request is \$1,863,680. This cost represents current industry standards based on design documents.

Long Range Costs: Roof replacements will reduce the maintenance costs on old roofs and produce energy savings through a better insulated roof system. This roof replacement project is part of the Fairfield Public Schools waterfall schedule, and the anticipated life of this upgrade is 20+ years with our current roof preventative maintenance program.

Demand on Existing Facilities: This project would reduce the maintenance costs for roof repairs and increase energy efficiency in the building.

Security, Safety, and Loss Control: The new roofing system will provide a dry and safe environment for optimum working and learning.

Environmental Considerations: The new roofing system would meet all new current codes and be consistent with the industry standard. It would also reduce greenhouse gases through increased energy efficiency.

Funding, Financing & OSCG&R: This project would not proceed without funding approval. This project does qualify for reimbursement through the OSCG&R program.

Schedule, Phasing & Timing: The schedule for this project would be a bid in early 2024. This early bidding will facilitate the best pricing for the 2024 & 2025 summer recess project. All work would be performed and completed during the 2024 and 2025 summer recesses.

Other Considerations: The Town Purchasing Department will bid out this work, which will be awarded to a licensed professional contractor. The Town's attorney will review all contracts and advise the Board of Selectmen on executing contracts with the winning bidder. This project does require the formation of a Town of Fairfield Roof Building Committee to qualify for CT OSCG&R reimbursement.

Alternates to The Request: The alternate would be to keep performing regular maintenance and repairs to a failing infrastructure at a higher cost. Additionally, by not performing this work, we risk the ability to provide a dry and secure building. Not performing this work can potentially compromise the indoor air quality of the building.

Fairfield Public Schools Long Term Facilities Plan

Project Summary Sheet

General Information

Origination Date: 7/1/21
 Project No: HH-001
 Project Name: Partial Roof Replacement

Non-Reoccurring Status

Project Description: 1/20/21added to waterfall
 Status:

Project Budget

Design Budget:	\$0
Construction Budget:	\$1,863,680
Construction Escalation:	\$0
Total Construction Budget:	\$1,863,680
Escalation Date:	7/1/2021
Estimated Construction Start:	7/1/2024
Miscellaneous Fees and Expenses:	
- State Permits (.0026%)	\$0
- Testing & Inspections	\$0
- Advertising	\$0
Construction Admin	\$0
Commissioning	\$0
Hazardous Materials	\$0
Other	\$0
Subtotal Fees & Expenses:	\$0
Project Subtotal	\$1,863,680
Project Contingency 10%	\$0
Total Budget	\$1,863,680

OSCGR Eligible? Yes
 OSCGR Reimbursement \$437,812

Action Items

1.00

Project Priority Ranking

- Security	0
- Severity of Condition	0
- Code/Statutory	0
- Programmatic Need	0
- Constructability/Sequencing	0

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No. Stratfield Elementary School Roof Replacement Project

North Stratfield Elementary School

North Stratfield Elementary School Roof Replacement

\$4,422,800

Background: Fourteen roof areas are at the end of their useful lives and are in need of replacement. Ten roofs were installed in 1991, three roofs were installed in 1996, and one other was installed in 2000. These roofs are out of warranty as of 2016 and 2020, respectively. The roof systems are showing signs of failure, and our roof preventative maintenance contractor has reported that it is time to replace these roofs before further damage increases rapidly. This request is for the funding of the replacement of these roofs.

Purpose & Justification: The conditions of these fourteen roofs are declining, and leaks are increasing in frequency and severity. Replacing these roofs now will prevent the need to replace them in an emergency, thus preventing disruption to the school's learning environment.

Detailed Description: This expenditure would cover the total costs for removing the fourteen roof areas down to the existing roof deck and installing a new roofing system. These funds would also cover the bidding and construction administration costs and a contingency for unforeseen conditions that might be uncovered during construction activities. The replacement of a new roofing system will carry a minimum twenty-year warranty.

Estimated Cost: The cost of this funding request is \$ 4,422,800. This number was based on the estimate provided by Gilbane Construction Company, the construction management firm hired for this roof replacement project.

Long Range Costs: Roof replacements will reduce the maintenance costs on old roofs and produce energy savings through a better insulated roof system. This roof replacement project is part of the Fairfield Public Schools waterfall schedule, and the anticipated life of this upgrade is 20+ years with our current roof preventative maintenance program.

Demand on Existing Facilities: This project would reduce the maintenance costs for roof repairs and increase energy efficiency in the building.

Security, Safety, and Loss Control: The new roofing system will provide a dry and safe environment for optimum working and learning.

Environmental Considerations: The new roofing system would meet all new current codes and be consistent with the industry standard. It would also reduce greenhouse gases through increased energy efficiency.

Funding, Financing & OSCG&R: This project would not proceed without funding approval. This project does qualify for reimbursement through the OSCG&R program.

Schedule, Phasing & Timing: The schedule for this project would be a bid in early 2024. This early bidding will facilitate the best pricing for the 2024 & 2025 summer recess project. All work would be performed and completed during the 2024 and 2025 summer recesses.

Other Considerations: The Town Purchasing Department will bid out this work, which will be awarded to a licensed professional contractor. The Town's attorney will review all contracts and advise the Board of Selectmen on executing contracts with the winning bidder. This project does require the formation of a Town of Fairfield Roof Building Committee to qualify for CT OSCG&R reimbursement.

Alternates to The Request: The alternate would be to keep performing regular maintenance and repairs to a failing infrastructure at a higher cost. Additionally, by not performing this work, we risk the ability to provide a dry and secure building. Not performing this work can potentially compromise the indoor air quality of the building.

Fairfield Public Schools Long Term Facilities Plan

Project Summary Sheet

General Information

Origination Date: 7/1/21
 Project No: NS-002
 Project Name: Roof Replacement Project

Non-Reoccurring Status

Project Description: 1/20/21 increase amount 49,290
 9/23 revised per AC project budget

Status:

Project Budget

Design Budget:	\$0
Construction Budget:	\$0
Construction Escalation:	\$0
Total Construction Budget:	\$0
Escalation Date:	7/1/2021
Estimated Construction Start:	7/1/2024
Miscellaneous Fees and Expenses:	
- State Permits (.0026%)	\$0
- Testing & Inspections	\$0
- Advertising	\$0
Construction Admin	\$3,900
Commissioning	\$0
Hazardous Materials	\$0
Other	\$0
Subtotal Fees & Expenses:	\$3,900
Project Subtotal	\$3,900
Project Contingency 10%	\$390
Total Budget	\$4,422,800

OSCGR Eligible? Yes

OSCGR Reimbursement \$1,038,995

Action Items

1.00

Project Priority Ranking

- Security	
- Severity of Condition	0
- Code/Statutory	0
- Programmatic Need	0
- Constructability/Sequencing	0

Model Local Ordinance on Complete Streets

The National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN) is a project of ChangeLab Solutions. ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

Support for this document was provided by a grant from the Robert Wood Johnson Foundation.

February 2010

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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 Local Ordinance

Local 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 this Model Local Ordinance on Complete Streets to assist localities in making streets safe, comfortable, and convenient for everyone. 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, so local counsel may need to assist with any necessary customization.

Local Resolution Versus Local Ordinance

NPLAN has also developed a Model Local Resolution on Complete Streets. The model resolution encourages local agencies to approach every street project as an opportunity to make streets safe and welcoming for all users, but it is more exploratory and less directive than the model ordinance. Resolutions are often procedurally easier to enact than ordinances, and they can be an effective first step for a local government. A jurisdiction may pass a complete streets resolution and later go on to pass a law, but a resolution is not necessary where the complete streets law is adopted.

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.

**An Ordinance of the [Municipality (*E.G. City Of _____*)]
Providing for Complete Streets and Amending the [Municipality]
Municipal Code**

The [Adopting body] does ordain as follows:

SECTION I. FINDINGS. The [Adopting body] hereby finds and declares as follows:

SEE APPENDIX A: FINDINGS

A draft ordinance based on this model should include “findings” of fact (“whereas” clauses) that support the need for the municipality to adopt the ordinance. The findings section is part of the ordinance, but it usually does not become codified in the local government code. The findings contain factual information supporting the need for the law – in this case, documenting the need for complete streets. A list of findings supporting this model ordinance appears in “Appendix A: Findings.” Municipalities may select findings from that list to insert here, along with additional findings addressing the need for the ordinance in the particular community.

NOW THEREFORE, it is the intent of the [Adopting body (*e.g., city council*)] in enacting this ordinance to encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of [Municipality] by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation.

SECTION II. [Article / Chapter] of the [Municipality] Municipal Code is hereby amended to read as follows:

Sec. [____ (*1)]. PURPOSE. The purpose of this [article / chapter] is to enable the streets of [Municipality] to provide safe, convenient, and comfortable routes for walking, bicycling, and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of the streets, including children, older adults, and people with disabilities.

COMMENT: Municipalities may add additional reasons to this purpose clause as appropriate or desired.

Sec. [____ (*2)]. DEFINITIONS. The following words and phrases, whenever used in this [article / chapter], shall have the meanings defined in this section unless the context clearly requires otherwise:

COMMENT: Municipal codes contain many definitions; municipalities should ensure that the definitions from this ordinance appear in the correct section and that modifications occur as needed.

- (a) “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 paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes [, as well as other features such as insert other accommodations if desired] [, and those features identified in insert name of Municipality’s Pedestrian/Bicycle Master Plan if it exists].

COMMENT: Although features such as street trees and landscaping have traditionally not been included in transportation infrastructure, these features are crucial for pedestrian comfort and safety. They are incorporated into this definition to ensure that Complete Streets Infrastructure addresses the needs of all Users.

- (b) “Street” means any right of way, public or private, including arterials, connectors, alleys, ways, lanes, and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network.

COMMENT: This definition of “street” includes both public and private streets, and is broader than similar definitions contained in most municipal codes. The effect is to make many provisions of this ordinance applicable or potentially applicable to private streets.

- (c) “Street Project” means the construction, reconstruction, retrofit, maintenance, alteration, or repair of any Street, and includes the planning, design, approval, and implementation processes [, except that “Street Project” does not include minor routine upkeep such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes] [and does not include projects with a total cost of less than \$[____]]].

COMMENT: In defining “Street Project,” a municipality can use the following clause to reference and include the terms and definitions that are used to describe local street projects (e.g. capital project, major maintenance project, annual maintenance projects): “as well as [insert local project terms].”

- (d) “Users” mean individuals that use Streets, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, [insert other significant local users if desired, e.g. drivers of agricultural vehicles, emergency vehicles, or freight] and

people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities.

Sec. [____ (*3)]. REQUIREMENT OF INFRASTRUCTURE ENSURING SAFE TRAVEL.

- (a) [Insert appropriate agencies, such as Department of Transportation, Department of Public Works, Department of Planning] shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve public [and private] Streets and the transportation network for all Users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.

COMMENT: This provision, like many of the following provisions, allows municipalities to choose whether to apply the requirement to private streets in addition to public streets. Generally, it will expand the effectiveness of the ordinance to apply it to private streets. However, such a requirement may be more practical in certain jurisdictions than in others. For example, the requirement might be very important in a jurisdiction where there are many private streets in central locations.

- (b) Every Street Project on public [or private] Streets shall incorporate Complete Streets Infrastructure sufficient to enable reasonably safe travel along and across the right of way for each category of Users; provided, however, that such infrastructure may be excluded, upon written approval by [*insert senior manager, such as City Manager or the head of an 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. Such

projections should be based on demographic, school, employment, and public transportation route data, not on extrapolations from current low mode use.

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 municipality gains considerable flexibility, but at the cost of potentially implementing Complete Streets practices less thoroughly. Municipalities 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.”

- (c) As feasible, [Municipality] shall incorporate Complete Streets Infrastructure into existing 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.

COMMENT: This provision sets forth the municipality’s desire and intent to retrofit existing streets to increase safety for all users, but the words “as feasible” leave the municipality great flexibility to do only what it determines to be a priority.

- (d) 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 Complete Streets Infrastructure to increase safety for Users.

COMMENT: This provision is intended to encourage new bicycle lanes and reductions in the number of vehicle lanes where feasible as part of the restriping of pavement lines and markings during resurfacing, and to encourage improvements for pedestrians, particularly people with disabilities and older adults, as part of signalization projects.

- (e) [*Insert appropriate agencies, such as Department of Transportation, Department of Public Works, Department of Planning*] shall review and either revise or develop proposed revisions to all appropriate plans, zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals, including [*insert name of Municipality’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 Street Projects on public [and private] Streets.

- (f) In design guidelines, *[insert appropriate agencies]* shall coordinate templates with street classifications and revise them to include Complete Streets Infrastructure, such as bicycle lanes, sidewalks, street crossings, and planting strips.
- (g) Trainings in how to integrate, accommodate, and balance the needs of each category of Users shall be provided for planners, civil and traffic engineers, project managers, plan reviewers, inspectors, and other personnel responsible for the design and construction of Streets.

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 by the jurisdiction to implement Complete Streets.

Sec. [____ (*4)]. DATA COLLECTION, STANDARDS, AND PUBLIC INPUT.

- (a) *[Insert appropriate agency or agencies]* shall collect data measuring how well the Streets of [Municipality] are serving each category of Users.

COMMENT: Municipalities should 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.

- (b) *[Insert appropriate agency or agencies]* shall put into place performance standards with measurable benchmarks reflecting the ability of Users to travel in safety and comfort.

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

- (c) *[Insert appropriate agency or agencies]* shall establish procedures to allow full public participation in policy decisions and transparency in individual determinations concerning the design and use of Streets.

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

- (d) *[Insert appropriate agency, agencies, or official]* shall implement, administer, and enforce this [article / chapter]. [Agency] is hereby authorized to issue all rules and regulations consistent with this [article / chapter] and shall have all necessary powers to carry out the purpose of and enforce this [article / chapter].

COMMENT: This provision designates an agency or official to implement this ordinance and also bestows rulemaking and other powers on the agency. If existing law in a municipality provides such rulemaking authority, this provision or the second sentence of the provision may be omitted.

- (e) All initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for projects requiring funding or approval by [Municipality] shall: (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 and substitute the alternative provision available in subsection [5(c)].

Sec. [____ (*5)]. FURTHER STEPS.

- (a) The head of each affected agency or department shall report back to the [Adopting body] [annually / within one year of the date of passage of this Ordinance] regarding: the steps taken to implement this Ordinance; 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: Municipalities are encouraged to tailor this clause to direct agencies to carry out additional specific implementation tasks as appropriate.

- (b) A committee is hereby created, to be composed of [*insert desired committee composition*] and appointed by [the Mayor / President of adopting body / other], to forward [Municipality]'s implementation of Complete Streets practices by: (i) addressing short-term and long-term steps and planning necessary to create a comprehensive and integrated transportation network serving the needs of all Users; (ii) assessing potential obstacles to implementing Complete Streets practices in [Municipality]; (iii) if useful, recommending adoption of an [ordinance / internal policy / other document] containing additional steps; and (iv) proposing revisions to the [*insert name of Municipality's comprehensive plan equivalent*], zoning and subdivision codes, and other applicable law to integrate, accommodate, and balance the needs of all Users in all Street Projects. The committee shall report on the matters within its purview to the [Adopting body] within one year following the date of passage of this Ordinance.

COMMENT: Establishing a committee is one option for implementing a local Complete Streets law; however, just as with other provisions of this ordinance, a jurisdiction can omit this provision if it is not desirable. While local considerations will dictate committee composition, municipalities should consider including representatives of key departments or agencies, such as the transit agency, public works department, planning department, public health department, and others, as well as the city manager, advocacy groups, and a representative from the school district.

- (c) [The committee shall also consider requiring incorporation of Complete Streets modifications and Complete Streets Infrastructure in Street Projects, as well as requiring all initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for infrastructure projects requiring funding or approval by [Municipality] to: (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: For communities that are just beginning this process, a more exploratory approach to Complete Streets would involve inserting this subsection and deleting subsections [3 (b) & 4(e)].

SECTION III. STATUTORY CONSTRUCTION & SEVERABILITY.

- (a) 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.

- (b) 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.

COMMENT: This standard severability provision allows most of the ordinance to remain in effect even if a court deems part of the ordinance to be invalid.

- (c) In undertaking the enforcement of this Ordinance, [Municipality] 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.

COMMENT: This provision provides that no new basis for tort liability is established by the enactment of this ordinance. Municipal attorneys in a given jurisdiction can assess whether this language provides adequate protection under state law, and substitute alternative language if desirable.

From: **William Gerber** <gerber_william@yahoo.com>
Date: Thu, Sep 28, 2023 at 12:00 AM
Subject: Mr. Moderator, Safe & Livable Streets (edited)
To: Mark McDermott <markmcdrtm7@gmail.com>

Mr. Moderator,

Through you to the RTM, town bodies and departments.

As discussed at the last RTM meeting, the Police Dept (PD) and Police Commission (PC) have expressed concern over an extra step of the Bicycle & Pedestrian (Bike/Ped) Committee approving complete streets exemptions. They felt this could create a layer of red tape that will delay paving and other street improvement projects. I do not want this ordinance to have that effect and was able to address their concerns with two small edits (see attached draft) that put all exemption authority in the hands of the PC.

The RTM is scheduled to vote on this Safe & Livable Streets Ordinance at the next RTM meeting in October. I would like to have all comments as soon as possible.

To date, I have met and discussed this ordinance with the planning and zoning department leadership, economic development department leadership, police department and police commission leadership, and engineering department leadership. The ordinance was discussed at length with the RTM at the last meeting. I have sent this ordinance to the town attorney a week and a half ago and have not received any comments.

Thank you.
Bill Gerber, RTM D2

From: [James Baldwin](#)
To: [McDermott, Mark A.](#); [Wendt, James](#); [Barnhart, Mark](#); [TPZ Commission](#); [Bishop, Timothy](#); [Moura, Joanne](#); [CEDoffice](#); [Board of Selectmen](#); [BOF](#); [Schmitt, Jared](#)
Cc: [Kupchick, Brenda](#); [Bremer, Tom](#); [Bertolone, Jackie](#); [Browne, Betsy](#)
Subject: RE: Mr. Moderator, Safe & Livable Streets (edited)
Date: Tuesday, October 10, 2023 4:36:52 PM
Attachments: [SAFE LIVABLE STREETS ORDINANCE DRAFT 10-10-2023-JTB.docx](#)
[08-21-2023 L&A Safe and Livable Streets Ordinance MEMO 2023-7-20.pdf](#)
[CompleteStreets LocalOrdinance 20141104.docx](#)

Mr. Moderator:

Attached please find my initial review of the Safe and Livable Streets ordinance. As you can see, many questions and clarifications remain outstanding and I will do my level best to address them in time for the 9/16 committee meetings. So while this is a working draft, I thought it would be best to distribute sooner rather than later to the members.

I have also attached the Complete Streets policy adopted by the BOS on 9/26/18 for reference together with a model ordinance for comparison.

I would be happy to discuss or get clarification from any member, including sponsors, before the 16th.

Best, Jim

James T. Baldwin



Town Attorney

[Coles, Baldwin, Kaiser & Creager LLC](#)

Attorneys and Counselors at Law

1 Eliot Place, 3rd Floor

Fairfield, Connecticut 06824

Tel: 203.319.0800 (Ext 302)

Fax: 203.319.1210

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From: Mark McDermott <markmcdrtm7@gmail.com>

Sent: Thursday, September 28, 2023 9:56 AM

To: James Baldwin <jbaldwin@cbklaw.net>; Wendt, James <jwendt@fairfieldct.org>; Barnhart, Mark <mbarnhart@fairfieldct.org>; tpzcommission@fairfieldct.org; Bishop, Timothy

<tbishop@fairfieldct.org>; jmoura@fairfieldct.org; cedoffice@fairfieldct.org; bos@fairfieldct.org; bof@fairfieldct.org; Schmitt, Jared <jschmitt@fairfieldct.org>

Cc: Kupchick, Brenda <BKupchick@fairfieldct.org>; Bremer, Tom <TBremer@fairfieldct.org>; Bertolone, Jackie <JBertolone@fairfieldct.org>; Browne, Betsy <BBrowne@fairfieldct.org>

Subject: Fwd: Mr. Moderator, Safe & Livable Streets (edited)

Dear All,

Please see the below email and attachment from Representative Gerber concerning edits made to the proposed Safe & Livable Streets Ordinance and provide comments as soon as possible. This item will be on the agenda for the RTM committee meetings Monday October 16th for discussion and at the regular RTM meeting on October 23rd for further discussion and vote.

Best, Mark

----- Forwarded message -----

From: **William Gerber** <gerber_william@yahoo.com>

Date: Thu, Sep 28, 2023 at 12:00 AM

Subject: Mr. Moderator, Safe & Livable Streets (edited)

To: Mark McDermott <markmcdrtm7@gmail.com>

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Thank you.

Bill Gerber, RTM D2

--

Mark A. McDermott

RTM Moderator

RTM District 7

RTM Ed & Rec Committee

RTM Senior & Disabled Tax Relief Committee

PTA Member - FLHS

Email: markmcdrtm7@gmail.com

Cell Phone: 1-917-744-1479

WHEREAS, many Stakeholders in Fairfield, including those who live, attend school, work, shop in, vacation in, and visit, increasingly face traffic and traffic-related safety and quality of life issues; and

WHEREAS, a rise in conflicts within the Right-of-Way among and between Users, including motor vehicles and Vulnerable Road Users such as pedestrians and cyclists, has led to an increase in crashes, injuries, fatalities, complaints, and near-misses nationally and in Fairfield; and

WHEREAS, there is increasing demand by Users and would-be Users for safe, shared access to the public Right-of-Way; and

WHEREAS, the term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders; and

WHEREAS, policies and strategies described and applied within Complete Streets rubric represent a shift in traditional road design and construction philosophy, requiring all road construction and Improvement Projects to begin by evaluating how the Right-of-Way can serve all who use it, including Vulnerable Road Users, those with physical disabilities, as opposed to reactively retrofitting automobile-centric Rights-of-Way for safer use by other categories of Users; and

WHEREAS, Complete Streets can provide increased pedestrian use, greater enjoyment and propensity for people of all ages and abilities to exercise and engage with their community, and a clean and attractive framework for robust, sustainable economic development; and

WHEREAS, the State of Connecticut and its Department of Transportation (“ConnDOT”) have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”; and

WHEREAS, the Town of Fairfield has a Bicycle and Pedestrian Committee, and has developed a Bicycle and Pedestrian Master Plan Endorsed by the Board of Selectmen on June 19, 2013 and Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018, that have served as optional, inconsistently-applied guides for relevant Town bodies and departments responsible for the public Right-of-Way; and

WHEREAS, the adoption of this ordinance shall require application of Fairfield’s Complete Streets Policy, as amended from time to time, with a formal exception approval process, improving the scope and pace of Fairfield’s transformation into a safer, more walking, biking, and driving-friendly community, and may increase Fairfield’s eligibility for government grants available for projects; and

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting now hereby approves and adopts the following Safe and Livable Streets Ordinance:

I. Definitions.

- A. “Complete Street” means a Right-of-Way that is planned, designed, constructed, operated, and maintained in such a way as to enable safe, comfortable, and convenient access by Users. A few examples of features of Complete Streets include: sidewalks; frequent and safe crosswalks; median islands; accessible pedestrian signals; curb extensions; Americans with Disabilities Act (ADA) accessible curb ramps; adequate street drainage facilities; narrower, speed-reducing travel lanes; rumble strips; bike lanes; bicycle detection at intersections; bicycle parking facilities; street trees; street lighting; street furniture; comfortable and accessible public transportation stops; and roundabouts..
- B. “Complete Streets Commission” means the ~~Bicycle and Pedestrian Committee, or its successor Town body, whether elected or appointed,~~ Fairfield’s Local Traffic Authority (LTA) which is responsible for aspects of Complete Streets, as described in this Ordinance.
- C. “Complete Streets Policy” means the policy for Complete Streets, as adopted by the Town of Fairfield, to be amended from time to time, prepared in accordance with the guidelines established by The National Complete Streets Coalition (NCSC) ensuring that streets are safe for people of all ages and abilities, balancing the needs of different transportation modes, and supporting local land uses, economies, cultures, and natural environments.
- D. “Improvement Project” means new construction, reconstruction, resurfacing, rehabilitation, repair, or maintenance of the existing transportation network located within the Right-of-Way or that may affect it, whether such project is funded wholly, partly, or not at all by the Town. An Improvement Project does not include ordinary repair designed to keep transportation network facilities in safe working condition, such as mowing, cleaning, sweeping, spot repair, pothole filling, or signage repair and replacement.
- E. “Ordinance” means this “Safe and Livable Streets Ordinance.”
- F. “Phase” refers to the planning, design, construction, operation, or maintenance Phase of Complete Streets implementation.
- G. “Relevant Complete Streets Town Bodies” means departments, boards, commissions, and committees as listed in Appendix 1, as amended from time to time, that are expected to participate, to varying degrees, in one or more Complete Streets Phase.
- H. “Right-of-Way” means an area, public or private, dedicated for use by pedestrians and vehicles, such as streets, highways, bridges, bike paths and lanes, and walkways.

- I. “Right-of-Way Manual” means the practical, working manual regarding processes, design and materials specifications, choices, preferences, and selection to be applied by the Town of Fairfield and its Relevant Complete Streets Town Bodies for the implementation of Complete Streets, to meet the standards and objectives of the Complete Streets Policy and this Ordinance.
- J. “Stakeholders” means those who (or care about those who) live, visit, attend school, work, shop, and vacation in Fairfield.
- K. “Town” means the Town of Fairfield.
- L. “User” means all people who use or benefit from the Right-of-Way, including but not limited to, pedestrians, bicyclists, public transportation riders, motor vehicle drivers and passengers, emergency vehicle operators, and commercial vehicle operators and includes people of all ages and abilities, including children, senior citizens, and individuals with disabilities.
- M. “Vision Zero” describes a belief that even one life lost in a traffic crash is unacceptable and traffic deaths are preventable, and a commitment to using all available tools to eliminate conditions and behaviors that lead to serious injuries and deaths.
- N. “Vulnerable Road Users”, are pedestrians, cyclists, and people who use wheelchairs, who accounted for approximately 20% of the 42,915 people who were killed in motor vehicle crashes in 2021.

II. Purpose, goals. This Ordinance is meant to achieve the following:

- A. Contribute to the safety, health, fitness, and quality of life of Stakeholders by providing safe, convenient, and efficient connections for Users between homes, schools, work, shopping and dining, recreation, places of worship, and other community destinations.
- B. Improve the Town’s existing transportation network by facilitating a variety of transportation modes and by creating a connected, comprehensive network for Users.
- C. Increase Fairfield’s economic vibrance and make it more sustainable in a way that attracts and retains businesses and residents, including retirees and young adults.
- D. Design the Town’s Rights-of-Way to contextually complement and enhance the surrounding land use and neighborhoods. Recognize that Fairfield is made up of multiple commercial cores surrounded by historically significant neighborhoods and ensure that these neighborhoods remain vibrant and livable through context-appropriate design of Rights-of-Way.
- E. Employ development best practices and sustainable design as it relates to streetscapes so that they are considered integral components of the infrastructure of the Town.

- F. Reduce traffic congestion through improved and expanded transportation options for Users.
- G. Reduce the frequency and severity of vehicular, bicycle and pedestrian-related crashes, deaths, near-misses, property damage and complaints by designing and managing Rights-of-Way to encourage travel at appropriate volumes and safe speeds.
- H. Require that the First Selectman appoint a Complete Streets Coordinator with the requisite qualifications and authority, described in Section III.
- I. Require that the Town's policies and objectives for Complete Streets comply with this Ordinance and are incorporated and updated as necessary in the Complete Streets Policy, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- J. Require that the framework and details for implementation and maintenance in compliance with this Ordinance and Complete Streets Policy are incorporated and updated as necessary by the Town in a Right-of-Way Manual, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- K. Require that the Town develop and annually update a detailed Complete Streets Plan and provide capital funding in the annual budget for the implementation of the Complete Streets Plan, as described in Section III, in compliance with the Complete Streets Policy and Right-of-Way Manual, as an essential component of the Town's annual budget.
- L. Align the objectives, expectations, and procedures for and among Relevant Complete Streets Town Bodies and Stakeholders regarding Complete Streets, their implementation, operation, and maintenance.
- M. Ensure transparent, fair procedures for communicating to, and hearing and incorporating feedback from, Stakeholders regarding Complete Streets.

III. Implementation.

- A. A full-time equivalent coordinator (herein referred to as the "Complete Streets Coordinator") responsible for understanding, focusing on, and facilitating the implementation of Complete Streets in Fairfield, including monitoring of and reporting on the Town's compliance with this Ordinance, shall be designated by the Board of Selectmen.
 - a. The Complete Streets Coordinator shall have in-depth knowledge and experience relating to Complete Streets concepts, design, and implementation, as well as the needs of Users, with up-to-date understanding of current design standards and practices, with the minimum qualifications of a Planner II/ Associate/ Junior Planner, or equivalent experience and pursuing the professional qualifications as designated by the American Planning Association.

- b. The Complete Streets Coordinator shall have experience identifying and pursuing relevant potential public and private funding sources to assist in the funding of Complete Streets, including but not limited to grants.
 - c. The Complete Streets Coordinator shall be of appropriate position and authority to coordinate Relevant Complete Streets Town Bodies as well as represent the Town with local, regional, state, and federal authorities, cooperatives and organizations, and Stakeholders for timely analysis, planning, fulfillment, operations, and maintenance of Complete Streets.
 - d. The Complete Streets Coordinator shall have the appropriate position and authority in the Town administration to monitor and report on project-related planning and design, bidding, expenditures, and progress against the Complete Streets Plan and budgets, and to ensure that plans and processes are followed in accordance with the Right-of-Way Manual.
 - e. The Complete Streets Coordinator shall be responsible for ensuring compliance with, and ongoing consistency among, the Complete Streets Policy, annual Complete Streets Plan, and Right-of-Way Manual.
 - f. The Complete Streets Coordinator shall provide a monthly, public written update to the Relevant Complete Streets Town Bodies and shall provide updates to the Complete Streets Commission at each meeting.
 - g. The Complete Streets Coordinator shall remain informed and contribute to the Connecticut Vision Zero Council of Connecticut policy initiatives, remain informed of the USDOT's Complete Streets Policies, The National Complete Streets Coalition's Policy Framework, and any other relevant professional initiatives.
- B. A Right-of-Way Manual shall be developed and periodically updated (as needed but at a minimum every two years) by the Complete Streets Coordinator, working closely with the Town Engineer and Director of the Department of Public Works (DPW), or their department designees, with significant input from other Relevant Complete Streets Town Bodies as applicable, and prepared in accordance with the Vision Zero Council and other relevant guidelines.
- a. The Right-of-Way Manual shall include, but not be limited to, acceptable and minimum design and materials standards, facilities, amenities, and operating standards to be consistently applied in the development of Complete Streets, based on accepted best practices and available data.
 - b. The Right-of-Way Manual shall include a mission statement, policy objectives, and defined performance metrics used to prioritize planned projects required to implement the Complete Streets Policy.

- c. The Right-of-Way Manual shall include thorough descriptions of processes to direct Relevant Complete Streets Town Bodies and decision makers, and to ensure shared understanding of roles, responsibilities, and authorizations, including among Stakeholders, for each Phase, and for seeking and granting exceptions.
 - d. Relevant Complete Streets Town Bodies shall review the Right-of-Way Manual and subsequent updates and notify the Complete Streets Coordinator of any issues or inconsistencies found.
 - e. The Right-of-Way Manual draft shall be completed and posted on the Town website within twelve (12) months of the passage of this Ordinance, with 30 days required for submission of Stakeholder comments, and an additional 30 days for incorporation if applicable, before finalization.
 - f. The Right-of-Way Manual shall be adhered to by all Relevant Complete Streets Town Bodies during any Phase.
 - g. The Right-of-Way Manual shall identify and prioritize implementation of the Complete Streets program by type of improvement and locations within Town based on an agreed upon criteria. This includes, but is not limited to, locations within Town that may have experienced underinvestment or are underserved.
- C. A Complete Streets Plan shall include a list of planned projects, each with priority level, projected timing of work, budget, expected funding sources, risks, benefits, and projected ongoing costs for operations, monitoring, and maintenance (the "Complete Streets Plan").
 - a. The Complete Streets Plan shall include a twelve (12) month fiscal year plan to be incorporated in the annual Town plan and budget. The Complete Streets Plan must be consistent with the Complete Streets Policy and Right-of-Way Manual.
 - b. In conjunction with, and as an essential element of, the Complete Streets Plan, the Town shall maintain an updated, comprehensive map and condition of existing and proposed Complete Streets infrastructure and make it available to the public.
 - c. When updating or revising the Complete Streets Plan, the Town shall review current design standards and standard operating procedures to ensure that the best and latest design standards available are reflected.
- D. The Complete Streets Policy and Complete Streets Plan shall be incorporated into the Town's plan of conservation and development (POCD).
- E. The Town shall apply the Right-of-Way Manual to all Improvement Projects within the Town, except as may be excluded under Section IV of this Ordinance.
- F. All new private development projects, which propose improvements along, adjacent to, or within the Right-of-Way ("Private Projects"), shall comply with the Complete Streets

Policy. Approval of any other necessary permits is contingent upon meeting the requirements of the Complete Streets Policy. Private Projects shall be reviewed by the Complete Streets Commission for consistency with the Complete Streets Policy as part of the existing approval process.

- G. DPW shall be responsible for obtaining all required approvals and coordinate with third parties, including ConnDot, property owners, utility companies, developers, and other agencies, commissions, and departments as necessary to ensure that the design, necessary approvals, adjacent property owner consent, construction, maintenance, and repairs of the public Right-of-Way are carried out in accordance with the specified design, all applicable state and local ordinances, and the Right-of Way Manual, provided there is no statute, settlement agreement, or judicial decision to the contrary. DPW shall also be responsible for obtaining all approvals and coordinating with third parties to minimize conflicts in plans and schedules with the Complete Streets Plan and manage and coordinate appropriate adjustments to either the Complete Streets Plan or schedule of work by third parties.
- H. In recognition of the unique nature of the built environment and the diverse needs of Users, Stakeholder input shall be reasonably considered, but the needs of the community shall be prioritized to achieve the objectives of the Complete Street Policy. This includes providing safety for and balancing the needs of all Users, addressing neighborhood needs, ensuring a strong sense of place, and designing individual streets in a manner that is sensitive to the residential and business area context.
- I. The Town shall encourage relevant professional development for the Complete Streets Coordinator, selected staff in the Engineering Department, and DPW regarding Complete Streets best practices.
- J. The Town shall actively promote public information and education and solicit feedback about Complete Streets from Stakeholders. Feedback sought should include, from time to time, scientifically designed and statistically valid surveys by qualified professionals of well-defined target groups.
- K. The Town and Complete Streets Coordinator shall coordinate Complete Streets planning and construction with relevant regional, state, and federal groups and authorities, including the Connecticut Metropolitan Council of Governments (MetroCOG), the Greater Bridgeport Transit Authority (GBTA), adjacent municipalities, ConnDOT, the ConnDot Zero Vision Council, and the USDOT Safe Streets programs and grants to facilitate effective application of resources.

IV. Exceptions.

- A. The Town recognizes that, under certain circumstances, it may not be feasible or practical to implement one or more elements of the Complete Streets Policy. In such a

case, a petition ("Petition") documenting the reason for an exception ("Exception") shall be made by a petitioner or petitioning body to the Complete Streets Coordinator and Complete Streets Commission, with separate copy sent to the Relevant Complete Streets Town Bodies for informational purposes.

- B. Any Petition for Exception shall be posted to the Town's website and shall be subject to a thirty (30) day public comment period. At the end of this period, comments received shall be compiled and included in the final documentation of Petition for Exception transmitted by the Complete Streets Coordinator to the Complete Streets Commission.
- C. The Complete Streets Commission shall act on the Petition for Exception within sixty (60) days of receipt thereof. If the Complete Streets Commission fails to act on the request within that time, the Petition for Exception shall be deemed denied without prejudice.
- D. Exceptions may include, but are not limited to, the following:
 - a. Improvement Projects on public Rights-of-Way where one or more categories of Users are prohibited, such as interstate freeways or pedestrian malls.
 - b. Facilities that are under the jurisdiction of another entity, such as the federal government or ConnDOT, with such facilities being addressed on an individual basis to achieve improvements that advance the Complete Streets Policy. With reference to the State of Connecticut's Complete Streets policies and laws, the Town shall proactively pursue, and work cooperatively with, ConnDOT to plan and implement Complete Streets improvements within these Rights-of-Way.
- E. Owners of private streets and ways shall also be encouraged to adhere to the Complete Streets Policy.

V. Reporting.

- A. Annually, the Complete Streets Coordinator, the Chairperson of the Complete Streets Commission, the Director of Public Works, and Town Engineer shall jointly present to a joint meeting of the BOS, BOF and RTM at which they will report on, at a minimum, the following:
 - a. Implementation of the Complete Streets Plan including, but not limited to, the performance measures listed in Appendix A of the Complete Streets Policy, as updated from time to time.
 - b. Annually enter and monitor Fairfield's position in Smart Growth America's ranking of National Complete Streets scores on the 100-point scale using the standardized set of ten (10) elements.
 - c. Evaluation of the effectiveness of individual completed projects, including volume of Users, new Users, cost, implementation time, scope compliance, and satisfaction levels.

- d. Evaluation and statistics regarding conflicts within the Right-of-Way in Fairfield, including crashes, injuries, deaths, complaints, and property damage.
- e. Town-wide or Town area-specific survey results, if applicable (and only if conducted according to best statistical practices to achieve a high degree of confidence in results).
- f. Total dollar amounts invested in Complete Streets implementation and improvements, broken out by type.
- g. New developments in regional, national, and international Complete Streets design, engineering, and other best practices.
- h. Descriptions of potential amendments to this Ordinance, the Complete Streets Policy, Plan, and Right-of-Way Manual under consideration for any reason.

VI. Effective Date

This Ordinance shall take effect upon adoption.

APPENDIX 1: Relevant Complete Streets Town Bodies

To be amended from time to time:

- Complete Streets Commission ~~(the LTA), currently the “Bicycle and Pedestrian Committee”~~
- Engineering
- Department of Public Works (DPW)
- Community and Economic Development
- Town Plan and Zoning (TPZ)
- Conservation
- Finance and Budgeting
- Parks and Recreation
- Health
- Police
- Fire
- Emergency Management
- Education
- Senior Activities
- Human Services
- Housing Authority

Suggested reading, to be updated from time to time:

[Complete Streets | US Department of Transportation](#)

[Complete Streets in the Southeast Presentation - AARP](#)

[Complete Streets | FHWA \(dot.gov\)](#)

[10 Elements of a Complete Streets Policy - Smart Growth America](#)

[Smart Growth America The Best Complete Streets Policies 2023](#)

[Complete Streets Policies at the Local Level | ChangeLab Solutions](#)

[Case Studies in Delivering Safe, Comfortable and Connected Pedestrian and Bicycle Networks \(dot.gov\)](#)

[The Benefits of Street-Scale Features for Walking and Biking \(planning-org-uploaded-media.s3.amazonaws.com\)](#)

[Pedestrian Infrastructure - Streetsmart \(thinkstreetsmart.org\)](#)

[U.S. Department of Transportation National Roadway Safety Strategy](#)

[Vision Zero Network](#)

[Comprehensive-Pedestrian-Safety-Strategy---JanFeb-2021.pdf \(ct.gov\)](#)

[What Is The Vision Zero Council \(ct.gov\)](#)

[New Haven CSManualFINAL.pdf](#)

[Madison Complete Streets Policy 201807110838184454.pdf](#)

[Hartford complete streets final 2016.pdf](#)

[Montgomery-County-CSDG Approved-2021.pdf \(montgomeryplanning.org\)](#)

[Traffic Crashes Cost America Billions in 2019 | NHTSA](#)

[State-Specific Costs of Motor Vehicle Crash Deaths | Transportation Safety | Injury Center | CDC](#)

[Report: Connecticut had most pedestrian deaths in over 40 years](#)

[Complete Streets Policy.pdf \(fairfieldct.org\)](#)

[Fairfield Bicycle & Pedestrian Master Plan Draft 7 \(fairfieldct.org\)](#)

[American Planning Association Junior Planner Job Descriptions](#)

WHEREAS, many Stakeholders in Fairfield, including those who live, attend school, work, shop in, vacation in, and visit, increasingly face traffic and traffic-related safety and quality of life issues; and

Commented [JTB1]: No comments to this introductory section since it is not to be part of the actual ordinance

WHEREAS, a rise in conflicts within the Right-of-Way among and between Users, including motor vehicles and Vulnerable Road Users such as pedestrians and cyclists, has led to an increase in crashes, injuries, fatalities, complaints, and near-misses nationally and in Fairfield; and

WHEREAS, there is increasing demand by Users and would-be Users for safe, shared access to the public Right-of-Way; and

WHEREAS, the term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders; and

WHEREAS, policies and strategies described and applied within Complete Streets rubric represent a shift in traditional road design and construction philosophy, requiring all road construction and Improvement Projects to begin by evaluating how the Right-of-Way can serve all who use it, including Vulnerable Road Users, those with physical disabilities, as opposed to reactively retrofitting automobile-centric Rights-of-Way for safer use by other categories of Users; and

WHEREAS, Complete Streets can provide increased pedestrian use, greater enjoyment and propensity for people of all ages and abilities to exercise and engage with their community, and a clean and attractive framework for robust, sustainable economic development; and

WHEREAS, the State of Connecticut and its Department of Transportation (“ConnDOT”) have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”; and

WHEREAS, the Town of Fairfield has a Bicycle and Pedestrian Committee, and has developed a Bicycle and Pedestrian Master Plan Endorsed by the Board of Selectmen on June 19, 2013 and Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018, that have served as optional, inconsistently-applied guides for relevant Town bodies and departments responsible for the public Right-of-Way; and

Commented [JTB2]: This was more than an endorsed policy. It was a resolution by the town’s executive body to set in place a complete streets plan led by the FBPC within a one-year time frame. It is unclear whether this time-frame was not followed or otherwise implemented by that committee. Based on discussions with DPW, the Town has implemented the 2018 Complete Streets (CS) program. That 2018 plan included most every provision set forth in this ordinance with the exception of the ordinance’s creation of a particular “complete streets coordinator, budget and reporting requirements”

(More complete analysis of the extent to which the 2018 CS program has been implemented to follow)

WHEREAS, the adoption of this ordinance shall require application of Fairfield's Complete Streets Policy, as amended from time to time, with a formal exception approval process, improving the scope and pace of Fairfield's transformation into a safer, more walking, biking, and driving-friendly community, and may increase Fairfield's eligibility for government grants available for projects; and

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting now hereby approves and adopts the following Safe and Livable Streets Ordinance:

I. Definitions.

- A. "Complete Street" means a Right-of-Way that is planned, designed, constructed, operated, and maintained in such a way as to enable safe, comfortable, and convenient access by Users. A few examples of features of Complete Streets include: sidewalks; frequent and safe crosswalks; median islands; accessible pedestrian signals; curb extensions; Americans with Disabilities Act (ADA) accessible curb ramps; adequate street drainage facilities; narrower, speed-reducing travel lanes; rumble strips; bike lanes; bicycle detection at intersections; bicycle parking facilities; street trees; street lighting; street furniture; comfortable and accessible public transportation stops; and roundabouts..
- B. "Complete Streets Commission" means the Bicycle and Pedestrian Committee, or its successor Town body, whether elected or appointed, Fairfield's Local Traffic Authority (LTA) which is responsible for aspects of Complete Streets, as described in this Ordinance.
- C. "Complete Streets Policy" means the policy for Complete Streets, as adopted by the Town of Fairfield, to be amended from time to time, prepared in accordance with the guidelines established by The National Complete Streets Coalition (NCSC) ensuring that streets are safe for people of all ages and abilities, balancing the needs of different transportation modes, and supporting local land uses, economies, cultures, and natural environments.
- D. "Improvement Project" means new construction, reconstruction, resurfacing, rehabilitation, repair, or maintenance of the existing transportation network located within the Right-of-Way or that may affect it, whether such project is funded wholly, partly, or not at all by the Town. An Improvement Project does not include ordinary repair designed to keep transportation network facilities in safe working condition, such as mowing, cleaning, sweeping, spot repair, pothole filling, or signage repair and replacement.
- E. "Ordinance" means this "Safe and Livable Streets Ordinance."

Commented [JTB3]: The Police Commission or LTA should be named throughout the ordinance rather than a "commission"

What is the fate of the FBPC? Are they no longer relevant? Disbanded? If not, what then is their role if any?

Commented [JTB4]: The ordinance does not say who or how this "policy" is adopted. Is this referring to the policy mandated for creation by BOS resolution on 9/26/18? Or, is that policy being replaced with another?

Reference is made to the "Complete Streets Policy" throughout the ordinance however it is unclear what exactly this policy is. If it is a general way of describing the implementation provisions set forth in Section III, then it's use is circular in the sense that nowhere in Section III or elsewhere is there a clear explanation of how that policy is created and adopted "by the Town of Fairfield"

There is also reference in Sect. III.B. requires that the Right-of-Way Manual be prepared "in accordance with Vision Zero Council and other relevant guidelines." Clarification and consistency is necessary rather than using these vague and inconsistent references to different names policy documents/guidelines.

- F. “Phase” refers to the planning, design, construction, operation, or maintenance Phase of Complete Streets implementation.
- G. “Relevant Complete Streets Town Bodies” means departments, boards, commissions, and committees as listed in Appendix 1, as amended from time to time, that are expected to participate, to varying degrees, in one or more Complete Streets Phase.
- H. “Right-of-Way” means an area, public or private, dedicated for use by pedestrians and vehicles, such as streets, highways, bridges, bike paths and lanes, and walkways.
- I. “Right-of-Way Manual” means the practical, working manual regarding processes, design and materials specifications, choices, preferences, and selection to be applied by the Town of Fairfield and its Relevant Complete Streets Town Bodies for the implementation of Complete Streets, to meet the standards and objectives of the Complete Streets Policy and this Ordinance.
- J. “Stakeholders” means those who (or care about those who) live, visit, attend school, work, shop, and vacation in Fairfield.
- K. “Town” means the Town of Fairfield.
- L. “User” means all people who use or benefit from the Right-of-Way, including but not limited to, pedestrians, bicyclists, public transportation riders, motor vehicle drivers and passengers, emergency vehicle operators, and commercial vehicle operators and includes people of all ages and abilities, including children, senior citizens, and individuals with disabilities.
- M. “Vision Zero” describes a belief that even one life lost in a traffic crash is unacceptable and traffic deaths are preventable, and a commitment to using all available tools to eliminate conditions and behaviors that lead to serious injuries and deaths.
- N. “Vulnerable Road Users”, are pedestrians, cyclists, and people who use wheelchairs, who accounted for approximately 20% of the 42,915 people who were killed in motor vehicle crashes in 2021.

II. **Purpose, goals. This Ordinance is meant to achieve the following:**

- A. Contribute to the safety, health, fitness, and quality of life of Stakeholders by providing safe, convenient, and efficient connections for Users between homes, schools, work, shopping and dining, recreation, places of worship, and other community destinations.
- B. Improve the Town’s existing transportation network by facilitating a variety of transportation modes and by creating a connected, comprehensive network for Users.

Commented [JTB5]: Definition necessary? It’s use in the ordinance is understood by its plain meaning and is so broadly defined here that it means just about anyone.

Commented [JTB6]: If this is to be included, it should be at the very beginning as Section I with other sections renumbered accordingly

- C. Increase Fairfield’s economic vibrance and make it more sustainable in a way that attracts and retains businesses and residents, including retirees and young adults.
- D. Design the Town’s Rights-of-Way to contextually complement and enhance the surrounding land use and neighborhoods. Recognize that Fairfield is made up of multiple commercial cores surrounded by historically significant neighborhoods and ensure that these neighborhoods remain vibrant and livable through context-appropriate design of Rights-of-Way.
- E. Employ development best practices and sustainable design as it relates to streetscapes so that they are considered integral components of the infrastructure of the Town.
- F. Reduce traffic congestion through improved and expanded transportation options for Users.
- G. Reduce the frequency and severity of vehicular, bicycle and pedestrian-related crashes, deaths, near-misses, property damage and complaints by designing and managing Rights-of-Way to encourage travel at appropriate volumes and safe speeds.
- H. Require that the First Selectman appoint a Complete Streets Coordinator with the requisite qualifications and authority, described in Section III.
- I. Require that the Town’s policies and objectives for Complete Streets comply with this Ordinance and are incorporated and updated as necessary in the Complete Streets Policy, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- J. Require that the framework and details for implementation and maintenance in compliance with this Ordinance and Complete Streets Policy are incorporated and updated as necessary by the Town in a Right-of-Way Manual, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- K. Require that the Town develop and annually update a detailed Complete Streets Plan and provide capital funding in the annual budget for the implementation of the Complete Streets Plan, as described in Section III, in compliance with the Complete Streets Policy and Right-of-Way Manual, as an essential component of the Town’s annual budget.
- L. Align the objectives, expectations, and procedures for and among Relevant Complete Streets Town Bodies and Stakeholders regarding Complete Streets, their implementation, operation, and maintenance.
- M. Ensure transparent, fair procedures for communicating to, and hearing and incorporating feedback from, Stakeholders regarding Complete Streets.

III. Implementation.

- A. A full-time equivalent coordinator (herein referred to as the “Complete Streets Coordinator”) responsible for understanding, focusing on, and facilitating the implementation of Complete Streets in Fairfield, including monitoring of and reporting on the Town’s compliance with this Ordinance, shall be designated by the Board of Selectmen.
- The Complete Streets Coordinator shall have in-depth knowledge and experience relating to Complete Streets concepts, design, and implementation, as well as the needs of Users, with up-to-date understanding of current design standards and practices, with the minimum qualifications of a Planner II/ Associate/ Junior Planner, or equivalent experience and pursuing the professional qualifications as designated by the American Planning Association.
 - The Complete Streets Coordinator shall have experience identifying and pursuing relevant potential public and private funding sources to assist in the funding of Complete Streets, including but not limited to grants.
 - The Complete Streets Coordinator shall be of appropriate position and authority to coordinate Relevant Complete Streets Town Bodies as well as represent the Town with local, regional, state, and federal authorities, cooperatives and organizations, and Stakeholders for timely analysis, planning, fulfillment, operations, and maintenance of Complete Streets.
 - The Complete Streets Coordinator shall have the appropriate position and authority in the Town administration to monitor and report on project-related planning and design, bidding, expenditures, and progress against the Complete Streets Plan and budgets, and to ensure that plans and processes are followed in accordance with the Right-of-Way Manual.
 - The Complete Streets Coordinator shall be responsible for ensuring compliance with, and ongoing consistency among, the Complete Streets Policy, annual Complete Streets Plan, and Right-of-Way Manual.
 - The Complete Streets Coordinator shall provide a monthly, public written update to the Relevant Complete Streets Town Bodies and shall provide updates to the Complete Streets Commission at each meeting.
 - The Complete Streets Coordinator shall remain informed and contribute to the Connecticut Vision Zero Council of Connecticut policy initiatives, remain informed of the USDOT’s Complete Streets Policies, The National Complete Streets Coalition’s Policy Framework, and any other relevant professional initiatives.
- B. A Right-of-Way Manual shall be developed and periodically updated (as needed but at a minimum every two years) by the Complete Streets Coordinator, working closely with the Town Engineer and Director of the Department of Public Works

Commented [JTB7]: JTB> are these separate or different steps? Can coordinator be designated w/out any of these “minimum qualification” so long as he/she is “pursuing the professional qualifications as designated by the APA”?

Commented [JTB8]: Which comes first, the CS plan or CS budget? What if budget is not fully funded by town bodies? In other words, is there a plan with associated costs like the capital waterfall from which projects are funded by the dedicated budget and intended therefore to go forward?

How are the DPW line items associated with ROW infrastructure projects to be designated in each FY budget? As part of CS budget or do they remain with DPW? Is it feasible to have two such budgets overlapping so many areas? That is, is the CS mandated budget redundant?

Commented [JTB9]: “Relevant complete streets town bodies” is perhaps overly broad and vague, especially when mandating monthly reports to each, in addition to the PC and “on a monthly basis”. The monthly written report verges on the cusp of onerous and unnecessarily burdensome. Perhaps his/her monthly update to the PC should suffice, or is that the intention here – to disseminate update to PC at each of their meetings? Is that “update” to be done in person or via written monthly report?

Commented [JTB10]: Overly vague as to who exactly coordinator reports to and to what extent, if any, “relevant” town bodies approve any such plan

(DPW), or their department designees, with significant input from other Relevant Complete Streets Town Bodies as applicable, and prepared in accordance with the Vision Zero Council and other relevant guidelines.

- a. The Right-of-Way Manual shall include, but not be limited to, acceptable and minimum design and materials standards, facilities, amenities, and operating standards to be consistently applied in the development of Complete Streets, based on accepted best practices and available data.
- b. The Right-of-Way Manual shall include a mission statement, policy objectives, and defined performance metrics used to prioritize planned projects required to implement the Complete Streets Policy.
- c. The Right-of-Way Manual shall include thorough descriptions of processes to direct Relevant Complete Streets Town Bodies and decision makers, and to ensure shared understanding of roles, responsibilities, and authorizations, including among Stakeholders, for each Phase, and for seeking and granting exceptions.
- d. Relevant Complete Streets Town Bodies shall review the Right-of-Way Manual and subsequent updates and notify the Complete Streets Coordinator of any issues or inconsistencies found.
- e. The Right-of-Way Manual draft shall be completed and posted on the Town website within twelve (12) months of the passage of this Ordinance, with 30 days required for submission of Stakeholder comments, and an additional 30 days for incorporation if applicable, before finalization.
- f. The Right-of-Way Manual shall be adhered to by all Relevant Complete Streets Town Bodies during any Phase.
- g. The Right-of-Way Manual shall identify and prioritize implementation of the Complete Streets program by type of improvement and locations within Town based on an agreed upon criteria. This includes, but is not limited to, locations within Town that may have experienced underinvestment or are underserved.

C. A Complete Streets Plan shall include a list of planned projects, each with priority level, projected timing of work, budget, expected funding sources, risks, benefits, and projected ongoing costs for operations, monitoring, and maintenance (the "Complete Streets Plan").

- a. The Complete Streets Plan shall include a twelve (12) month fiscal year plan to be incorporated in the annual Town plan and budget. The Complete Streets Plan must be consistent with the Complete Streets Policy and Right-of-Way Manual.

Commented [JTB11]: See comment above re "complete streets policy"

Commented [JTB12]: Not sure what exactly this means and it seems as though too much power/authority is in the hands of this coordinator without needing clear approval from relevant town bodies or at least one of them

Commented [JTB13]: Similar to earlier comment, it is now the sole coordinator who is charged with creating a policy/manual incorporating the interests of all "relevant" town bodies in a 12 month period. This begs the question as to how this one town employee (or new hire?) is tasked with doing what the FBPC was charged to do in 2018. Is that practical or feasible or procedurally appropriate?

Commented [JTB14]: See above

Commented [JB15]: Should this refer to CS policy, instead of CS "program" for consistency?

Commented [JTB16]: Criteria agreed to by who?

Also, this would include street paving programs?

Commented [JTB17]: Overly broad? Would these "agreed upon criteria" take precedence over scheduled projects and developments?

- b. In conjunction with, and as an essential element of, the Complete Streets Plan, the Town shall maintain an updated, comprehensive map and condition of existing and proposed Complete Streets infrastructure and make it available to the public.
- c. When updating or revising the Complete Streets Plan, the Town shall review current design standards and standard operating procedures to ensure that the best and latest design standards available are reflected.
- D. The Complete Streets Policy and Complete Streets Plan shall be incorporated into the Town's plan of conservation and development (POCD).
- E. The Town shall apply the Right-of-Way Manual to all Improvement Projects within the Town, except as may be excluded under Section IV of this Ordinance.
- F. All new private development projects, which propose improvements along, adjacent to, or within the Right-of-Way ("Private Projects"), shall comply with the Complete Streets Policy. Approval of any other necessary permits is contingent upon meeting the requirements of the Complete Streets Policy. Private Projects shall be reviewed by the Complete Streets Commission for consistency with the Complete Streets Policy as part of the existing approval process.
- G. DPW shall be responsible for obtaining all required approvals and coordinate with third parties, including ConnDot, property owners, utility companies, developers, and other agencies, commissions, and departments as necessary to ensure that the design, necessary approvals, adjacent property owner consent, construction, maintenance, and repairs of the public Right-of-Way are carried out in accordance with the specified design, all applicable state and local ordinances, and the Right-of Way Manual, provided there is no statute, settlement agreement, or judicial decision to the contrary. DPW shall also be responsible for obtaining all approvals and coordinating with third parties to minimize conflicts in plans and schedules with the Complete Streets Plan and manage and coordinate appropriate adjustments to either the Complete Streets Plan or schedule of work by third parties.
- H. In recognition of the unique nature of the built environment and the diverse needs of Users, Stakeholder input shall be reasonably considered, but the needs of the community shall be prioritized to achieve the objectives of the Complete Street Policy. This includes providing safety for and balancing the needs of all Users, addressing neighborhood needs, ensuring a strong sense of place, and designing individual streets in a manner that is sensitive to the residential and business area context.

Commented [JTB18]: Does this mean there is a master CS plan, like the capital waterfall, from which each budget season particular projects are then budgeted for implementations?

Commented [JTB19]: Is this only for the 12 month fiscal plan or the entire master plan?

Is this language necessary in light of requirement that the ROW Manual is already supposed to reflect the best and latest standards and is updated regularly?

Commented [JTB20]: Again, what exactly constitutes this Policy? Should this reference manual instead?

Commented [JTB21]: What "required approvals" exactly? from all "relevant boards and commissions"? Is approval from adjacent property owners required? If so, this would likely lead to cause for litigation and/or protracted process that can be used as an additional weapon by neighbors objecting to a new development or project

Should be applicable state statutes – but what ordinance would be included?

Is an "appropriate adjustment" the same thing as an exception? Shouldn't such exceptions be the responsibility of therequesting 3rd party to obtain and not the DPW in most instances involving private developments?

Commented [JTB22]: Not sure what this means

Commented [JTB23]: This is circular insofar as "stakeholders" is so broadly defined to include anyone and the "needs of the community" is not defined and subject to a huge spectrum of opinions that are not necessarily aligned, uniform or even definable. In short, rather than providing guidance, this section may instead lead to disagreement and contentious hearings before the PC and other "relevant" boards and commissions. Recommend this section be deleted.

- I. The Town shall encourage relevant professional development for the Complete Streets Coordinator, selected staff in the Engineering Department, and DPW regarding Complete Streets best practices.
- J. The Town shall actively promote public information and education and solicit feedback about Complete Streets from Stakeholders. Feedback sought should include, from time to time, scientifically designed and statistically valid surveys by qualified professionals of well-defined target groups.
- K. The Town and Complete Streets Coordinator shall coordinate Complete Streets planning and construction with relevant regional, state, and federal groups and authorities, including the Connecticut Metropolitan Council of Governments (MetroCOG), the Greater Bridgeport Transit Authority (GBTA), adjacent municipalities, ConnDOT, the ConnDot Zero Vision Council, and the USDOT Safe Streets programs and grants to facilitate effective application of resources.

Commented [JTB24]: Isn't this the role of the FBPC? Or is that committee no longer deemed necessary?

IV. Exceptions.

- A. The Town recognizes that, under certain circumstances, it may not be feasible or practical to implement one or more elements of the Complete Streets Policy. In such a case, a petition ("Petition") documenting the reason for an exception ("Exception") shall be made by a petitioner or petitioning body to the Complete Streets Coordinator and Complete Streets Commission, with separate copy sent to the Relevant Complete Streets Town Bodies for informational purposes.
- B. Any Petition for Exception shall be posted to the Town's website and shall be subject to a thirty (30) day public comment period. At the end of this period, comments received shall be compiled and included in the final documentation of Petition for Exception transmitted by the Complete Streets Coordinator to the Complete Streets Commission.
- C. The Complete Streets Commission shall act on the Petition for Exception within sixty (60) days of receipt thereof. If the Complete Streets Commission fails to act on the request within that time, the Petition for Exception shall be deemed denied without prejudice.
- D. Exceptions may include, but are not limited to, the following:
 - a. Improvement Projects on public Rights-of-Way where one or more categories of Users are prohibited, such as interstate freeways or pedestrian malls.
 - b. Facilities that are under the jurisdiction of another entity, such as the federal government or ConnDOT, with such facilities being addressed on an individual basis to achieve improvements that advance the Complete Streets Policy. With reference to the State of Connecticut's Complete Streets policies and laws, the Town shall proactively pursue,

Commented [JTB25]: Again, where are these "elements" identified or catalogued?

Commented [JTB26]: This is likely illegal according to the Administrative Procedures Act (APA). At this stage of Town Attorney review, an appeal procedure likely needs to be put into place with reference to procedures set forth with respect to appealing their decision or non-decision denial (if that is even legal, which is TBD)

Denied without prejudice begs the question as to when a final determination is made that is then appealable. It also goes against the notion that the exception is truly denied, at least with respect to finality

The potential delay in projects and protracted litigation that may follow is operationally and legally concerning.

and work cooperatively with, ConnDOT to plan and implement Complete Streets improvements within these Rights-of-Way.

- E. Owners of private streets and ways shall also be encouraged to adhere to the Complete Streets Policy.

Commented [JTB27]: Is the "CS policy" (however it is defined/enumerated) even designed to address private streets and ways?

V. Reporting.

- A. Annually, the Complete Streets Coordinator, the Chairperson of the Complete Streets Commission, the Director of Public Works, and Town Engineer shall jointly present to a joint meeting of the BOS, BOF and RTM at which they will report on, at a minimum, the following:

Commented [JTB28]: Such a mandatory joint meeting is unprecedented and it is questionable whether this provision is legal under the town charter that already provides for mandatory meetings by these town bodies. That is to say, I don't think the RTM can mandate any meetings by other town bodies. Therefore, this should at most require annual presentation to the RTM, much like lease reports

- a. Implementation of the Complete Streets Plan including, but not limited to, the performance measures listed in Appendix A of the Complete Streets Policy, as updated from time to time.
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- e. Town-wide or Town area-specific survey results, if applicable (and only if conducted according to best statistical practices to achieve a high degree of confidence in results).
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- h. Descriptions of potential amendments to this Ordinance, the Complete Streets Policy, Plan, and Right-of-Way Manual under consideration for any reason.

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How is "satisfaction level" defined/determined? And by who?

Commented [JTB30]: Is this mandatory as stated in Subsection A? Or is this discretionary and only upon availability as this seems to suggest?

Commented [JTB31]: Total cost to all involved, including DPW, developers and state projects? Or just town dollars?

VI. Effective Date

This Ordinance shall take effect upon adoption.

APPENDIX 1: Relevant Complete Streets Town Bodies

To be amended from time to time:

- Complete Streets Commission (the LTA), currently the “Bicycle and Pedestrian Committee”
- Engineering
- Department of Public Works (DPW)
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Suggested reading, to be updated from time to time:

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[New Haven CSManualFINAL.pdf](#)
[Madison Complete Streets Policy_201807110838184454.pdf](#)
[Hartford complete_streets_final_2016.pdf](#)
[Montgomery-County-CSDG_Approved-2021.pdf \(montgomeryplanning.org\)](#)
[Traffic Crashes Cost America Billions in 2019 | NHTSA](#)
[State-Specific Costs of Motor Vehicle Crash Deaths | Transportation Safety | Injury Center | CDC](#)
[Report: Connecticut had most pedestrian deaths in over 40 years](#)
[Complete Streets Policy.pdf \(fairfieldct.org\)](#)
[Fairfield Bicycle & Pedestrian Master Plan Draft 7 \(fairfieldct.org\)](#)
[American Planning Association Junior Planner Job Descriptions](#)

WHEREAS, many Stakeholders in Fairfield, including those who live, attend school, work, shop in, vacation in, and visit, increasingly face traffic and traffic-related safety and quality of life issues; and

Commented [JTB1]: No comments to this introductory section since it is not to be part of the actual ordinance

WHEREAS, a rise in conflicts within the Right-of-Way among and between Users, including motor vehicles and Vulnerable Road Users such as pedestrians and cyclists, has led to an increase in crashes, injuries, fatalities, complaints, and near-misses nationally and in Fairfield; and

WHEREAS, there is increasing demand by Users and would-be Users for safe, shared access to the public Right-of-Way; and

WHEREAS, the term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders; and

WHEREAS, policies and strategies described and applied within Complete Streets rubric represent a shift in traditional road design and construction philosophy, requiring all road construction and Improvement Projects to begin by evaluating how the Right-of-Way can serve all who use it, including Vulnerable Road Users, those with physical disabilities, as opposed to reactively retrofitting automobile-centric Rights-of-Way for safer use by other categories of Users; and

WHEREAS, Complete Streets can provide increased pedestrian use, greater enjoyment and propensity for people of all ages and abilities to exercise and engage with their community, and a clean and attractive framework for robust, sustainable economic development; and

WHEREAS, the State of Connecticut and its Department of Transportation (“ConnDOT”) have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”; and

WHEREAS, the Town of Fairfield has a Bicycle and Pedestrian Committee, and has developed a Bicycle and Pedestrian Master Plan Endorsed by the Board of Selectmen on June 19, 2013 and Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018, that have served as optional, inconsistently-applied guides for relevant Town bodies and departments responsible for the public Right-of-Way; and

Commented [JTB2]: This was more than an endorsed policy. It was a resolution by the town’s executive body to set in place a complete streets plan led by the FBPC within a one-year time frame. It is unclear whether this time-frame was not followed or otherwise implemented by that committee. Based on discussions with DPW, the Town has implemented the 2018 Complete Streets (CS) program. That 2018 plan included most every provision set forth in this ordinance with the exception of the ordinance’s creation of a particular “complete streets coordinator, budget and reporting requirements*"

(More complete analysis of the extent to which the 2018 CS program has been implemented to follow)

WHEREAS, the adoption of this ordinance shall require application of Fairfield's Complete Streets Policy, as amended from time to time, with a formal exception approval process, improving the scope and pace of Fairfield's transformation into a safer, more walking, biking, and driving-friendly community, and may increase Fairfield's eligibility for government grants available for projects; and

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting now hereby approves and adopts the following Safe and Livable Streets Ordinance:

I. Definitions.

- A. "Complete Street" means a Right-of-Way that is planned, designed, constructed, operated, and maintained in such a way as to enable safe, comfortable, and convenient access by Users. A few examples of features of Complete Streets include: sidewalks; frequent and safe crosswalks; median islands; accessible pedestrian signals; curb extensions; Americans with Disabilities Act (ADA) accessible curb ramps; adequate street drainage facilities; narrower, speed-reducing travel lanes; rumble strips; bike lanes; bicycle detection at intersections; bicycle parking facilities; street trees; street lighting; street furniture; comfortable and accessible public transportation stops; and roundabouts..
- B. "Complete Streets Commission" means the Bicycle and Pedestrian Committee, or its successor Town body, whether elected or appointed, Fairfield's Local Traffic Authority (LTA) which is responsible for aspects of Complete Streets, as described in this Ordinance.
- C. "Complete Streets Policy" means the policy for Complete Streets, as adopted by the Town of Fairfield, to be amended from time to time, prepared in accordance with the guidelines established by The National Complete Streets Coalition (NCSC) ensuring that streets are safe for people of all ages and abilities, balancing the needs of different transportation modes, and supporting local land uses, economies, cultures, and natural environments.
- D. "Improvement Project" means new construction, reconstruction, resurfacing, rehabilitation, repair, or maintenance of the existing transportation network located within the Right-of-Way or that may affect it, whether such project is funded wholly, partly, or not at all by the Town. An Improvement Project does not include ordinary repair designed to keep transportation network facilities in safe working condition, such as mowing, cleaning, sweeping, spot repair, pothole filling, or signage repair and replacement.
- E. "Ordinance" means this "Safe and Livable Streets Ordinance."

Commented [JTB3]: The Police Commission or LTA should be named throughout the ordinance rather than a "commission"

What is the fate of the FBPC? Are they no longer relevant? Disbanded? If not, what then is their role if any?

Commented [JTB4]: The ordinance does not say who or how this "policy" is adopted. Is this referring to the policy mandated for creation by BOS resolution on 9/26/18? Or, is that policy being replaced with another?

Reference is made to the "Complete Streets Policy" throughout the ordinance however it is unclear what exactly this policy is. If it is a general way of describing the implementation provisions set forth in Section III, then it's use is circular in the sense that nowhere in Section III or elsewhere is there a clear explanation of how that policy is created and adopted "by the Town of Fairfield"

There is also reference in Sect. III.B. requires that the Right-of-Way Manual be prepared "in accordance with Vision Zero Council and other relevant guidelines." Clarification and consistency is necessary rather than using these vague and inconsistent references to different names policy documents/guidelines.

- F. “Phase” refers to the planning, design, construction, operation, or maintenance Phase of Complete Streets implementation.
- G. “Relevant Complete Streets Town Bodies” means departments, boards, commissions, and committees as listed in Appendix 1, as amended from time to time, that are expected to participate, to varying degrees, in one or more Complete Streets Phase.
- H. “Right-of-Way” means an area, public or private, dedicated for use by pedestrians and vehicles, such as streets, highways, bridges, bike paths and lanes, and walkways.
- I. “Right-of-Way Manual” means the practical, working manual regarding processes, design and materials specifications, choices, preferences, and selection to be applied by the Town of Fairfield and its Relevant Complete Streets Town Bodies for the implementation of Complete Streets, to meet the standards and objectives of the Complete Streets Policy and this Ordinance.
- J. “Stakeholders” means those who (or care about those who) live, visit, attend school, work, shop, and vacation in Fairfield.
- K. “Town” means the Town of Fairfield.
- L. “User” means all people who use or benefit from the Right-of-Way, including but not limited to, pedestrians, bicyclists, public transportation riders, motor vehicle drivers and passengers, emergency vehicle operators, and commercial vehicle operators and includes people of all ages and abilities, including children, senior citizens, and individuals with disabilities.
- M. “Vision Zero” describes a belief that even one life lost in a traffic crash is unacceptable and traffic deaths are preventable, and a commitment to using all available tools to eliminate conditions and behaviors that lead to serious injuries and deaths.
- N. “Vulnerable Road Users”, are pedestrians, cyclists, and people who use wheelchairs, who accounted for approximately 20% of the 42,915 people who were killed in motor vehicle crashes in 2021.

II. **Purpose, goals. This Ordinance is meant to achieve the following:**

- A. Contribute to the safety, health, fitness, and quality of life of Stakeholders by providing safe, convenient, and efficient connections for Users between homes, schools, work, shopping and dining, recreation, places of worship, and other community destinations.
- B. Improve the Town’s existing transportation network by facilitating a variety of transportation modes and by creating a connected, comprehensive network for Users.

Commented [JTB5]: Definition necessary? It’s use in the ordinance is understood by its plain meaning and is so broadly defined here that it means just about anyone.

Commented [JTB6]: If this is to be included, it should be at the very beginning as Section I with other sections renumbered accordingly

- C. Increase Fairfield’s economic vibrance and make it more sustainable in a way that attracts and retains businesses and residents, including retirees and young adults.
- D. Design the Town’s Rights-of-Way to contextually complement and enhance the surrounding land use and neighborhoods. Recognize that Fairfield is made up of multiple commercial cores surrounded by historically significant neighborhoods and ensure that these neighborhoods remain vibrant and livable through context-appropriate design of Rights-of-Way.
- E. Employ development best practices and sustainable design as it relates to streetscapes so that they are considered integral components of the infrastructure of the Town.
- F. Reduce traffic congestion through improved and expanded transportation options for Users.
- G. Reduce the frequency and severity of vehicular, bicycle and pedestrian-related crashes, deaths, near-misses, property damage and complaints by designing and managing Rights-of-Way to encourage travel at appropriate volumes and safe speeds.
- H. Require that the First Selectman appoint a Complete Streets Coordinator with the requisite qualifications and authority, described in Section III.
- I. Require that the Town’s policies and objectives for Complete Streets comply with this Ordinance and are incorporated and updated as necessary in the Complete Streets Policy, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- J. Require that the framework and details for implementation and maintenance in compliance with this Ordinance and Complete Streets Policy are incorporated and updated as necessary by the Town in a Right-of-Way Manual, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- K. Require that the Town develop and annually update a detailed Complete Streets Plan and provide capital funding in the annual budget for the implementation of the Complete Streets Plan, as described in Section III, in compliance with the Complete Streets Policy and Right-of-Way Manual, as an essential component of the Town’s annual budget.
- L. Align the objectives, expectations, and procedures for and among Relevant Complete Streets Town Bodies and Stakeholders regarding Complete Streets, their implementation, operation, and maintenance.
- M. Ensure transparent, fair procedures for communicating to, and hearing and incorporating feedback from, Stakeholders regarding Complete Streets.

III. Implementation.

- A. A full-time equivalent coordinator (herein referred to as the “Complete Streets Coordinator”) responsible for understanding, focusing on, and facilitating the implementation of Complete Streets in Fairfield, including monitoring of and reporting on the Town’s compliance with this Ordinance, shall be designated by the Board of Selectmen.
- The Complete Streets Coordinator shall have in-depth knowledge and experience relating to Complete Streets concepts, design, and implementation, as well as the needs of Users, with up-to-date understanding of current design standards and practices, with the minimum qualifications of a Planner II/ Associate/ Junior Planner, or equivalent experience and pursuing the professional qualifications as designated by the American Planning Association.
 - The Complete Streets Coordinator shall have experience identifying and pursuing relevant potential public and private funding sources to assist in the funding of Complete Streets, including but not limited to grants.
 - The Complete Streets Coordinator shall be of appropriate position and authority to coordinate Relevant Complete Streets Town Bodies as well as represent the Town with local, regional, state, and federal authorities, cooperatives and organizations, and Stakeholders for timely analysis, planning, fulfillment, operations, and maintenance of Complete Streets.
 - The Complete Streets Coordinator shall have the appropriate position and authority in the Town administration to monitor and report on project-related planning and design, bidding, expenditures, and progress against the Complete Streets Plan and budgets, and to ensure that plans and processes are followed in accordance with the Right-of-Way Manual.
 - The Complete Streets Coordinator shall be responsible for ensuring compliance with, and ongoing consistency among, the Complete Streets Policy, annual Complete Streets Plan, and Right-of-Way Manual.
 - The Complete Streets Coordinator shall provide a monthly, public written update to the Relevant Complete Streets Town Bodies and shall provide updates to the Complete Streets Commission at each meeting.
 - The Complete Streets Coordinator shall remain informed and contribute to the Connecticut Vision Zero Council of Connecticut policy initiatives, remain informed of the USDOT’s Complete Streets Policies, The National Complete Streets Coalition’s Policy Framework, and any other relevant professional initiatives.
- B. A Right-of-Way Manual shall be developed and periodically updated (as needed but at a minimum every two years) by the Complete Streets Coordinator, working closely with the Town Engineer and Director of the Department of Public Works

Commented [JTB7]: JTB> are these separate or different steps? Can coordinator be designated w/out any of these “minimum qualification” so long as he/she is “pursuing the professional qualifications as designated by the APA”?

Commented [JTB8]: Which comes first, the CS plan or CS budget? What if budget is not fully funded by town bodies? In other words, is there a plan with associated costs like the capital waterfall from which projects are funded by the dedicated budget and intended therefore to go forward?

How are the DPW line items associated with ROW infrastructure projects to be designated in each FY budget? As part of CS budget or do they remain with DPW? Is it feasible to have two such budgets overlapping so many areas? That is, is the CS mandated budget redundant?

Commented [JTB9]: “Relevant complete streets town bodies” is perhaps overly broad and vague, especially when mandating monthly reports to each, in addition to the PC and “on a monthly basis”. The monthly written report verges on the cusp of onerous and unnecessarily burdensome. Perhaps his/her monthly update to the PC should suffice, or is that the intention here – to disseminate update to PC at each of their meetings? Is that “update” to be done in person or via written monthly report?

Commented [JTB10]: Overly vague as to who exactly coordinator reports to and to what extent, if any, “relevant” town bodies approve any such plan

(DPW), or their department designees, with significant input from other Relevant Complete Streets Town Bodies as applicable, and prepared in accordance with the Vision Zero Council and other relevant guidelines.

- a. The Right-of-Way Manual shall include, but not be limited to, acceptable and minimum design and materials standards, facilities, amenities, and operating standards to be consistently applied in the development of Complete Streets, based on accepted best practices and available data.
- b. The Right-of-Way Manual shall include a mission statement, policy objectives, and defined performance metrics used to prioritize planned projects required to implement the Complete Streets Policy.
- c. The Right-of-Way Manual shall include thorough descriptions of processes to direct Relevant Complete Streets Town Bodies and decision makers, and to ensure shared understanding of roles, responsibilities, and authorizations, including among Stakeholders, for each Phase, and for seeking and granting exceptions.
- d. Relevant Complete Streets Town Bodies shall review the Right-of-Way Manual and subsequent updates and notify the Complete Streets Coordinator of any issues or inconsistencies found.
- e. The Right-of-Way Manual draft shall be completed and posted on the Town website within twelve (12) months of the passage of this Ordinance, with 30 days required for submission of Stakeholder comments, and an additional 30 days for incorporation if applicable, before finalization.
- f. The Right-of-Way Manual shall be adhered to by all Relevant Complete Streets Town Bodies during any Phase.
- g. The Right-of-Way Manual shall identify and prioritize implementation of the Complete Streets program by type of improvement and locations within Town based on an agreed upon criteria. This includes, but is not limited to, locations within Town that may have experienced underinvestment or are underserved.

C. A Complete Streets Plan shall include a list of planned projects, each with priority level, projected timing of work, budget, expected funding sources, risks, benefits, and projected ongoing costs for operations, monitoring, and maintenance (the "Complete Streets Plan").

- a. The Complete Streets Plan shall include a twelve (12) month fiscal year plan to be incorporated in the annual Town plan and budget. The Complete Streets Plan must be consistent with the Complete Streets Policy and Right-of-Way Manual.

Commented [JTB11]: See comment above re "complete streets policy"

Commented [JTB12]: Not sure what exactly this means and it seems as though too much power/authority is in the hands of this coordinator without needing clear approval from relevant town bodies or at least one of them

Commented [JTB13]: Similar to earlier comment, it is now the sole coordinator who is charged with creating a policy/manual incorporating the interests of all "relevant" town bodies in a 12 month period. This begs the question as to how this one town employee (or new hire?) is tasked with doing what the FBPC was charged to do in 2018. Is that practical or feasible or procedurally appropriate?

Commented [JTB14]: See above

Commented [JB15]: Should this refer to CS policy, instead of CS "program" for consistency?

Commented [JTB16]: Criteria agreed to by who?

Also, this would include street paving programs?

Commented [JTB17]: Overly broad? Would these "agreed upon criteria" take precedence over scheduled projects and developments?

- b. In conjunction with, and as an essential element of, the Complete Streets Plan, the Town shall maintain an updated, comprehensive map and condition of existing and proposed Complete Streets infrastructure and make it available to the public.
- c. When updating or revising the Complete Streets Plan, the Town shall review current design standards and standard operating procedures to ensure that the best and latest design standards available are reflected.
- D. The Complete Streets Policy and Complete Streets Plan shall be incorporated into the Town's plan of conservation and development (POCD).
- E. The Town shall apply the Right-of-Way Manual to all Improvement Projects within the Town, except as may be excluded under Section IV of this Ordinance.
- F. All new private development projects, which propose improvements along, adjacent to, or within the Right-of-Way ("Private Projects"), shall comply with the Complete Streets Policy. Approval of any other necessary permits is contingent upon meeting the requirements of the Complete Streets Policy. Private Projects shall be reviewed by the Complete Streets Commission for consistency with the Complete Streets Policy as part of the existing approval process.
- G. DPW shall be responsible for obtaining all required approvals and coordinate with third parties, including ConnDot, property owners, utility companies, developers, and other agencies, commissions, and departments as necessary to ensure that the design, necessary approvals, adjacent property owner consent, construction, maintenance, and repairs of the public Right-of-Way are carried out in accordance with the specified design, all applicable state and local ordinances, and the Right-of Way Manual, provided there is no statute, settlement agreement, or judicial decision to the contrary. DPW shall also be responsible for obtaining all approvals and coordinating with third parties to minimize conflicts in plans and schedules with the Complete Streets Plan and manage and coordinate appropriate adjustments to either the Complete Streets Plan or schedule of work by third parties.
- H. In recognition of the unique nature of the built environment and the diverse needs of Users, Stakeholder input shall be reasonably considered, but the needs of the community shall be prioritized to achieve the objectives of the Complete Street Policy. This includes providing safety for and balancing the needs of all Users, addressing neighborhood needs, ensuring a strong sense of place, and designing individual streets in a manner that is sensitive to the residential and business area context.

Commented [JTB18]: Does this mean there is a master CS plan, like the capital waterfall, from which each budget season particular projects are then budgeted for implementations?

Commented [JTB19]: Is this only for the 12 month fiscal plan or the entire master plan?

Is this language necessary in light of requirement that the ROW Manual is already supposed to reflect the best and latest standards and is updated regularly?

Commented [JTB20]: Again, what exactly constitutes this Policy? Should this reference manual instead?

Commented [JTB21]: What "required approvals" exactly? from all "relevant boards and commissions"? Is approval from adjacent property owners required? If so, this would likely lead to cause for litigation and/or protracted process that can be used as an additional weapon by neighbors objecting to a new development or project

Should be applicable state statutes – but what ordinance would be included?

Is an "appropriate adjustment" the same thing as an exception? Shouldn't such exceptions be the responsibility of therequesting 3rd party to obtain and not the DPW in most instances involving private developments?

Commented [JTB22]: Not sure what this means

Commented [JTB23]: This is circular insofar as "stakeholders" is so broadly defined to include anyone and the "needs of the community" is not defined and subject to a huge spectrum of opinions that are not necessarily aligned, uniform or even definable. In short, rather than providing guidance, this section may instead lead to disagreement and contentious hearings before the PC and other "relevant" boards and commissions. Recommend this section be deleted.

- I. The Town shall encourage relevant professional development for the Complete Streets Coordinator, selected staff in the Engineering Department, and DPW regarding Complete Streets best practices.
- J. The Town shall actively promote public information and education and solicit feedback about Complete Streets from Stakeholders. Feedback sought should include, from time to time, scientifically designed and statistically valid surveys by qualified professionals of well-defined target groups.
- K. The Town and Complete Streets Coordinator shall coordinate Complete Streets planning and construction with relevant regional, state, and federal groups and authorities, including the Connecticut Metropolitan Council of Governments (MetroCOG), the Greater Bridgeport Transit Authority (GBTA), adjacent municipalities, ConnDOT, the ConnDOT Zero Vision Council, and the USDOT Safe Streets programs and grants to facilitate effective application of resources.

Commented [JTB24]: Isn't this the role of the FBPC? Or is that committee no longer deemed necessary?

IV. Exceptions.

- A. The Town recognizes that, under certain circumstances, it may not be feasible or practical to implement one or more elements of the Complete Streets Policy. In such a case, a petition ("Petition") documenting the reason for an exception ("Exception") shall be made by a petitioner or petitioning body to the Complete Streets Coordinator and Complete Streets Commission, with separate copy sent to the Relevant Complete Streets Town Bodies for informational purposes.
- B. Any Petition for Exception shall be posted to the Town's website and shall be subject to a thirty (30) day public comment period. At the end of this period, comments received shall be compiled and included in the final documentation of Petition for Exception transmitted by the Complete Streets Coordinator to the Complete Streets Commission.
- C. The Complete Streets Commission shall act on the Petition for Exception within sixty (60) days of receipt thereof. If the Complete Streets Commission fails to act on the request within that time, the Petition for Exception shall be deemed denied without prejudice.
- D. Exceptions may include, but are not limited to, the following:
 - a. Improvement Projects on public Rights-of-Way where one or more categories of Users are prohibited, such as interstate freeways or pedestrian malls.
 - b. Facilities that are under the jurisdiction of another entity, such as the federal government or ConnDOT, with such facilities being addressed on an individual basis to achieve improvements that advance the Complete Streets Policy. With reference to the State of Connecticut's Complete Streets policies and laws, the Town shall proactively pursue,

Commented [JTB25]: Again, where are these "elements" identified or catalogued?

Commented [JTB26]: This is likely illegal according to the Administrative Procedures Act (APA). At this stage of Town Attorney review, an appeal procedure likely needs to be put into place with reference to procedures set forth with respect to appealing their decision or non-decision denial (if that is even legal, which is TBD)

Denied without prejudice begs the question as to when a final determination is made that is then appealable. It also goes against the notion that the exception is truly denied, at least with respect to finality

The potential delay in projects and protracted litigation that may follow is operationally and legally concerning.

and work cooperatively with, ConnDOT to plan and implement Complete Streets improvements within these Rights-of-Way.

- E. Owners of private streets and ways shall also be encouraged to adhere to the Complete Streets Policy.

Commented [JTB27]: Is the "CS policy" (however it is defined/enumerated) even designed to address private streets and ways?

V. Reporting.

- A. Annually, the Complete Streets Coordinator, the Chairperson of the Complete Streets Commission, the Director of Public Works, and Town Engineer shall jointly present to a joint meeting of the BOS, BOF and RTM at which they will report on, at a minimum, the following:

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[U.S. Department of Transportation National Roadway Safety Strategy](#)
[Vision Zero Network](#)
[Comprehensive-Pedestrian-Safety-Strategy---JanFeb-2021.pdf \(ct.gov\)](#)
[What Is The Vision Zero Council \(ct.gov\)](#)
[New Haven CSManualFINAL.pdf](#)
[Madison Complete Streets Policy_201807110838184454.pdf](#)
[Hartford complete_streets_final_2016.pdf](#)
[Montgomery-County-CSDG_Approved-2021.pdf \(montgomeryplanning.org\)](#)
[Traffic Crashes Cost America Billions in 2019 | NHTSA](#)
[State-Specific Costs of Motor Vehicle Crash Deaths | Transportation Safety | Injury Center | CDC](#)
[Report: Connecticut had most pedestrian deaths in over 40 years](#)
[Complete Streets Policy.pdf \(fairfieldct.org\)](#)
[Fairfield Bicycle & Pedestrian Master Plan Draft 7 \(fairfieldct.org\)](#)
[American Planning Association Junior Planner Job Descriptions](#)

WHEREAS, many Stakeholders in Fairfield, including those who live, attend school, work, shop in, vacation in, and visit, increasingly face traffic and traffic-related safety and quality of life issues; and

Commented [JTB1]: No comments to this introductory section since it is not to be part of the actual ordinance

Commented [BG2R1]: okay

WHEREAS, a rise in conflicts within the Right-of-Way among and between Users, including motor vehicles and Vulnerable Road Users such as pedestrians and cyclists, has led to an increase in crashes, injuries, fatalities, complaints, and near-misses nationally and in Fairfield; and

WHEREAS, there is increasing demand by Users and would-be Users for safe, shared access to the public Right-of-Way; and

WHEREAS, the term “Complete Streets” is defined by the US Department of Transportation (“USDOT”) as streets designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers, pedestrians, bicyclists, or public transportation riders; and

WHEREAS, policies and strategies described and applied within Complete Streets rubric represent a shift in traditional road design and construction philosophy, requiring all road construction and Improvement Projects to begin by evaluating how the Right-of-Way can serve all who use it, including Vulnerable Road Users, those with physical disabilities, as opposed to reactively retrofitting automobile-centric Rights-of-Way for safer use by other categories of Users; and

WHEREAS, Complete Streets can provide increased pedestrian use, greater enjoyment and propensity for people of all ages and abilities to exercise and engage with their community, and a clean and attractive framework for robust, sustainable economic development; and

WHEREAS, the State of Connecticut and its Department of Transportation (“ConnDOT”) have adopted Complete Streets laws and policies, and several municipalities have adopted Complete Streets ordinances, and have made commitments to the objectives and strategies of “Vision Zero”; and

Commented [JTB3]: This was more than an endorsed policy. It was a resolution by the town’s executive body to set in place a complete streets plan led by the FBPC within a one-year time frame. It is unclear whether this time-frame was not followed or otherwise implemented by that committee. Based on discussions with DPW, the Town has implemented the 2018 Complete Streets (CS) program. That 2018 plan included most every provision set forth in this ordinance with the exception of the ordinance’s creation of a particular “complete streets coordinator, budget and reporting requirements”

(More complete analysis of the extent to which the 2018 CS program has been implemented to follow)

Commented [BG4R3]: The policy cover is marked “Endorsed by the Board of Selectmen on September 26, 2018”

Commented [BG5R3]: What “Complete Streets Plan” are you referring to? Do you mean the Bike/Ped Master Plan that was developed some years before the Complete Streets Policy?

WHEREAS, the Town of Fairfield has a Bicycle and Pedestrian Committee, and has developed a Bicycle and Pedestrian Master Plan Endorsed by the Board of Selectmen on June 19, 2013 and Complete Streets Policy endorsed by the Board of Selectmen on September 26, 2018, that have served as optional, inconsistently-applied guides for relevant Town bodies and departments responsible for the public Right-of-Way; and

WHEREAS, the adoption of this ordinance shall require application of Fairfield's Complete Streets Policy, as amended from time to time, with a formal exception approval process, improving the scope and pace of Fairfield's transformation into a safer, more walking, biking, and driving-friendly community, and may increase Fairfield's eligibility for government grants available for projects; and

NOW, THEREFORE, BE IT RESOLVED that the Representative Town Meeting now hereby approves and adopts the following Safe and Livable Streets Ordinance:

I. Definitions.

- A. "Complete Street" means a Right-of-Way that is planned, designed, constructed, operated, and maintained in such a way as to enable safe, comfortable, and convenient access by Users. A few examples of features of Complete Streets include: sidewalks; frequent and safe crosswalks; median islands; accessible pedestrian signals; curb extensions; Americans with Disabilities Act (ADA) accessible curb ramps; adequate street drainage facilities; narrower, speed-reducing travel lanes; rumble strips; bike lanes; bicycle detection at intersections; bicycle parking facilities; street trees; street lighting; street furniture; comfortable and accessible public transportation stops; and roundabouts..
- B. "Complete Streets Commission" means the Bicycle and Pedestrian Committee, or its successor Town body, whether elected or appointed, Fairfield's Local Traffic Authority (LTA) which is responsible for aspects of Complete Streets, as described in this Ordinance.
- C. "Complete Streets Policy" means the policy for Complete Streets, as adopted by the Town of Fairfield, to be amended from time to time, prepared in accordance with the guidelines established by The National Complete Streets Coalition (NCSC) ensuring that streets are safe for people of all ages and abilities, balancing the needs of different transportation modes, and supporting local land uses, economies, cultures, and natural environments.
- D. "Improvement Project" means new construction, reconstruction, resurfacing, rehabilitation, repair, or maintenance of the existing transportation network located within the Right-of-Way or that may affect it, whether such project is funded wholly, partly, or not at all by the Town. An Improvement Project does not include ordinary repair designed to keep transportation network facilities in safe working condition, such as mowing, cleaning, sweeping, spot repair, pothole filling, or signage repair and replacement.
- E. "Ordinance" means this "Safe and Livable Streets Ordinance."

Commented [JT6]: The Police Commission or LTA should be named throughout the ordinance rather than a "commission"

What is the fate of the FBPC? Are they no longer relevant? Disbanded? If not, what then is their role if any?

Commented [BG7R6]: No, and please explain why you write that it "should." Is that statement based on law? You may know a Local Traffic Authority can be any number of different bodies or persons in a CT municipality- see <https://portal.ct.gov/-/media/DOI/documents/dstc/italistpdf.pdf>. This shows 71 municipalities have BOS as their LTA, 49 Police Commission (PC), 20 Town Manager, 23 Chief of Police and 4 have a separate Traffic Authority.

It is the LTA that ordinance relates to.

Commented [BG8R6]: FBPC's role is not changed by this ordinance. It should continue to advocate, champion, etc.

Commented [JT9]: The ordinance does not say who or how this "policy" is adopted. Is this referring to the policy mandated for creation by BOS resolution on 9/26/18? Or, is that policy being replaced with another?

Reference is made to the "Complete Streets Policy" throughout the ordinance however it is unclear what exactly this policy is. If it is a general way of describing the implementation provisions set forth in Section III, then it's use is circular in the sense that nowhere in Section III or elsewhere is there a clear explanation of how that policy is created and adopted "by the Town of Fairfield"

There is also reference in Sect. III.B. requires that the Right-of-Way Manual be prepared "in accordance with Vision Zero Council and other relevant guidelines." Clarification and consistency is necessary rather than using these vague and inconsistent references to different names policy documents/guidelines.

Commented [BG10R9]: The Complete Streets Policy was "endorsed" by the BOS. "Adopted" should be amended to "Endorsed". The Complete Streets Policy (endorsed by the BOS) has been available on the Town website for years.

Commented [BG11R9]: Okay- strike "to be amended from time to time"

- F. “Phase” refers to the planning, design, construction, operation, or maintenance Phase of Complete Streets implementation.
- G. “Relevant Complete Streets Town Bodies” means departments, boards, commissions, and committees as listed in Appendix 1, as amended from time to time, that are expected to participate, to varying degrees, in one or more Complete Streets Phase.
- H. “Right-of-Way” means an area, public or private, dedicated for use by pedestrians and vehicles, such as streets, highways, bridges, bike paths and lanes, and walkways.
- I. “Right-of-Way Manual” means the practical, working manual regarding processes, design and materials specifications, choices, preferences, and selection to be applied by the Town of Fairfield and its Relevant Complete Streets Town Bodies for the implementation of Complete Streets, to meet the standards and objectives of the Complete Streets Policy and this Ordinance.
- J. “Stakeholders” means those who (or care about those who) live, visit, attend school, work, shop, and vacation in Fairfield.
- K. “Town” means the Town of Fairfield.
- L. “User” means all people who use or benefit from the Right-of-Way, including but not limited to, pedestrians, bicyclists, public transportation riders, motor vehicle drivers and passengers, emergency vehicle operators, and commercial vehicle operators and includes people of all ages and abilities, including children, senior citizens, and individuals with disabilities.
- M. “Vision Zero” describes a belief that even one life lost in a traffic crash is unacceptable and traffic deaths are preventable, and a commitment to using all available tools to eliminate conditions and behaviors that lead to serious injuries and deaths.
- N. “Vulnerable Road Users”, are pedestrians, cyclists, and people who use wheelchairs, who accounted for approximately 20% of the 42,915 people who were killed in motor vehicle crashes in 2021.

II. **Purpose, goals. This Ordinance is meant to achieve the following:**

- A. Contribute to the safety, health, fitness, and quality of life of Stakeholders by providing safe, convenient, and efficient connections for Users between homes, schools, work, shopping and dining, recreation, places of worship, and other community destinations.
- B. Improve the Town’s existing transportation network by facilitating a variety of transportation modes and by creating a connected, comprehensive network for Users.

Commented [JTB12]: Definition necessary? It’s use in the ordinance is understood by its plain meaning and is so broadly defined here that it means just about anyone.

Commented [BG13R12]: The definition is broad because users of the right of way who have a stake in street safety is a large, broad group of people (almost everyone). Unless there’s a legal issue with this definition, keep it.

Commented [JTB14]: If this is to be included, it should be at the very beginning as Section I with other sections renumbered accordingly

Commented [BG15R14]: Definitions are used in this section and so it makes more sense to have definitions first. Unless there is a legal argument, keep it here.

- C. Increase Fairfield’s economic vibrance and make it more sustainable in a way that attracts and retains businesses and residents, including retirees and young adults.
- D. Design the Town’s Rights-of-Way to contextually complement and enhance the surrounding land use and neighborhoods. Recognize that Fairfield is made up of multiple commercial cores surrounded by historically significant neighborhoods and ensure that these neighborhoods remain vibrant and livable through context-appropriate design of Rights-of-Way.
- E. Employ development best practices and sustainable design as it relates to streetscapes so that they are considered integral components of the infrastructure of the Town.
- F. Reduce traffic congestion through improved and expanded transportation options for Users.
- G. Reduce the frequency and severity of vehicular, bicycle and pedestrian-related crashes, deaths, near-misses, property damage and complaints by designing and managing Rights-of-Way to encourage travel at appropriate volumes and safe speeds.
- H. Require that the First Selectman appoint a Complete Streets Coordinator with the requisite qualifications and authority, described in Section III.
- I. Require that the Town’s policies and objectives for Complete Streets comply with this Ordinance and are incorporated and updated as necessary in the Complete Streets Policy, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- J. Require that the framework and details for implementation and maintenance in compliance with this Ordinance and Complete Streets Policy are incorporated and updated as necessary by the Town in a Right-of-Way Manual, described in Section III, and adhered to by Relevant Complete Streets Town Bodies.
- K. Require that the Town develop and annually update a detailed Complete Streets Plan and provide capital funding in the annual budget for the implementation of the Complete Streets Plan, as described in Section III, in compliance with the Complete Streets Policy and Right-of-Way Manual, as an essential component of the Town’s annual budget.
- L. Align the objectives, expectations, and procedures for and among Relevant Complete Streets Town Bodies and Stakeholders regarding Complete Streets, their implementation, operation, and maintenance.
- M. Ensure transparent, fair procedures for communicating to, and hearing and incorporating feedback from, Stakeholders regarding Complete Streets.

III. Implementation.

- A. A full-time equivalent coordinator (herein referred to as the “Complete Streets Coordinator”) responsible for understanding, focusing on, and facilitating the implementation of Complete Streets in Fairfield, including monitoring of and reporting on the Town’s compliance with this Ordinance, shall be designated by the Board of Selectmen.
- The Complete Streets Coordinator shall have in-depth knowledge and experience relating to Complete Streets concepts, design, and implementation, as well as the needs of Users, with up-to-date understanding of current design standards and practices, with the minimum qualifications of a Planner II/ Associate/ Junior Planner, or equivalent experience and pursuing the professional qualifications as designated by the American Planning Association.
 - The Complete Streets Coordinator shall have experience identifying and pursuing relevant potential public and private funding sources to assist in the funding of Complete Streets, including but not limited to grants.
 - The Complete Streets Coordinator shall be of appropriate position and authority to coordinate Relevant Complete Streets Town Bodies as well as represent the Town with local, regional, state, and federal authorities, cooperatives and organizations, and Stakeholders for timely analysis, planning, fulfillment, operations, and maintenance of Complete Streets.
 - The Complete Streets Coordinator shall have the appropriate position and authority in the Town administration to monitor and report on project-related planning and design, bidding, expenditures, and progress against the Complete Streets Plan and budgets, and to ensure that plans and processes are followed in accordance with the Right-of-Way Manual.
 - The Complete Streets Coordinator shall be responsible for ensuring compliance with, and ongoing consistency among, the Complete Streets Policy, annual Complete Streets Plan, and Right-of-Way Manual.
 - The Complete Streets Coordinator shall provide a monthly, public written update to the Relevant Complete Streets Town Bodies and shall provide updates to the Complete Streets Commission at each meeting.
 - The Complete Streets Coordinator shall remain informed and contribute to the Connecticut Vision Zero Council of Connecticut policy initiatives, remain informed of the USDOT’s Complete Streets Policies, The National Complete Streets Coalition’s Policy Framework, and any other relevant professional initiatives.
- B. A Right-of-Way Manual shall be developed and periodically updated (as needed but at a minimum every two years) by the Complete Streets Coordinator, working closely with the Town Engineer and Director of the Department of Public Works

Commented [JTB16]: JTB> are these separate or different steps? Can coordinator be designated w/out any of these “minimum qualification” so long as he/she is “pursuing the professional qualifications as designated by the APA”?

Commented [BG17R16]: Please note is says “or equivalent experience” which leaves flexibility as long as pursuing the professional qualifications for doing the job.

Commented [BG18R16]: For clarity, we could insert after experience, “such as civil or professional engineering” ... “and pursuing...”

Commented [JTB19]: Which comes first, the CS plan or CS budget? What if budget is not fully funded by town bodies? In other words, is there a plan with associated costs like the capital waterfall from which projects are funded by the dedicated budget and intended therefore to go forward?

How are the DPW line items associated with ROW infrastructure projects to be designated in each FY budget? As part of CS budget or do they remain with DPW? Is it feasible to have two such budgets overlapping so many areas? That is, is the CS mandated budget redundant?

Commented [BG20R19]: Formulate a plan, then budget for it.

Commented [BG21R19]: This is a operational question. It is essential for any organization to have the capability to regroup budget items as needed for analysis. Please see the Board of Education and how items are regrouped by school, by expenditure type, etc. This is a core function of a finance dept.

Commented [JTB22]: “Relevant complete streets town bodies” is perhaps overly broad and vague, especially when mandating monthly reports to each, in addition to the PC and “on a monthly basis”. The monthly written report verges on the cusp (...)

Commented [BG23R22]: I am open to suggestions, including changing this to QUARTERLY. However, emailing to town bodies should not put a strain on resources. The concept here is that there are many stakeholders and several town bodies that undertake (...)

Commented [JTB24]: Overly vague as to who exactly coordinator reports to and to what extent, if any, “relevant” town bodies approve any such plan

Commented [BG25R24]: This is an operational issue and left up to the FS intentionally. My own personal expectation is that this position reports to the head of the engineering department but that is intentionally not included in the ordinance.

(DPW), or their department designees, with significant input from other Relevant Complete Streets Town Bodies as applicable, and prepared in accordance with the Vision Zero Council and other relevant guidelines.

- a. The Right-of-Way Manual shall include, but not be limited to, acceptable and minimum design and materials standards, facilities, amenities, and operating standards to be consistently applied in the development of Complete Streets, based on accepted best practices and available data.
- b. The Right-of-Way Manual shall include a mission statement, policy objectives, and defined performance metrics used to prioritize planned projects required to implement the Complete Streets Policy.
- c. The Right-of-Way Manual shall include thorough descriptions of processes to direct Relevant Complete Streets Town Bodies and decision makers, and to ensure shared understanding of roles, responsibilities, and authorizations, including among Stakeholders, for each Phase, and for seeking and granting exceptions.
- d. Relevant Complete Streets Town Bodies shall review the Right-of-Way Manual and subsequent updates and notify the Complete Streets Coordinator of any issues or inconsistencies found.
- e. The Right-of-Way Manual draft shall be completed and posted on the Town website within twelve (12) months of the passage of this Ordinance, with 30 days required for submission of Stakeholder comments, and an additional 30 days for incorporation if applicable, before finalization.
- f. The Right-of-Way Manual shall be adhered to by all Relevant Complete Streets Town Bodies during any Phase.
- g. The Right-of-Way Manual shall identify and prioritize implementation of the Complete Streets program by type of improvement and locations within Town based on an agreed upon criteria. This includes, but is not limited to, locations within Town that may have experienced underinvestment or are underserved.

C. A Complete Streets Plan shall include a list of planned projects, each with priority level, projected timing of work, budget, expected funding sources, risks, benefits, and projected ongoing costs for operations, monitoring, and maintenance (the "Complete Streets Plan").

- a. The Complete Streets Plan shall include a twelve (12) month fiscal year plan to be incorporated in the annual Town plan and budget. The Complete Streets Plan must be consistent with the Complete Streets Policy and Right-of-Way Manual.

Commented [JTB26]: See comment above re "complete streets policy"

Commented [BG27R26]: For those that follow the Vision Zero Council it makes sense but open to editing for clarity. [What Is The Vision Zero Council \(ct.gov\)](#) ... "in line with Vision Zero Council Mission" ?

Commented [JTB28]: Not sure what exactly this means and it seems as though too much power/authority is in the hands of this coordinator without needing clear approval from relevant town bodies or at least one of them

Commented [BG29R28]: Who the CS Coordinator reports to is an operational question and left up to the FS intentionally. My own personal expectation is that this position reports to the head of the engineering department but intentionally stipulated in the ordinance.

Commented [JTB30]: Similar to earlier comment, it is now the sole coordinator who is charged with creating a policy/manual incorporating the interests of all "relevant" town bodies in a 12 month period. This begs the question as to how this one town employee (or new hire?) is tasked with doing what the FBPC was

Commented [BG31R30]: As mentioned above, who this person is and who they report to, who works with and directs th

Commented [BG32R30]: Are you suggesting the FBPC has an administrative function? If so, it would be helpful if you could

Commented [JTB33]: See above

Commented [JB34]: Should this refer to CS policy, instead of CS "program" for consistency?

Commented [BG35R34]: We can strike "the" and "program" to read "...implementation of Complete Streets" if that helps.

Commented [JTB36]: Criteria agreed to by who?

Commented [BG37R36]: Strike "based on agreed upon criteria". Redundant (already states there is input from town

Commented [BG38R36]: The Right-of-Way manual in Stamford is approved by the Board of Representatives. I'm not s

Commented [JTB39]: Overly broad? Would these "agreed upon criteria" take precedence over scheduled projects and

Commented [BG40R39]: While this is subjective, it is deemed important by the authors as a reminder. This comes from the

- b. In conjunction with, and as an essential element of, the Complete Streets Plan, the Town shall maintain an updated, comprehensive map and condition of existing and proposed Complete Streets infrastructure and make it available to the public.
- c. When updating or revising the Complete Streets Plan, the Town shall review current design standards and standard operating procedures to ensure that the best and latest design standards available are reflected.
- D. The Complete Streets Policy and Complete Streets Plan shall be incorporated into the Town's plan of conservation and development (POCD).
- E. The Town shall apply the Right-of-Way Manual to all Improvement Projects within the Town, except as may be excluded under Section IV of this Ordinance.
- F. All new private development projects, which propose improvements along, adjacent to, or within the Right-of-Way ("Private Projects"), shall comply with the Complete Streets Policy. Approval of any other necessary permits is contingent upon meeting the requirements of the Complete Streets Policy. Private Projects shall be reviewed by the Complete Streets Commission for consistency with the Complete Streets Policy as part of the existing approval process.
- G. DPW shall be responsible for obtaining all required approvals and coordinate with third parties, including ConnDot, property owners, utility companies, developers, and other agencies, commissions, and departments as necessary to ensure that the design, necessary approvals, adjacent property owner consent, construction, maintenance, and repairs of the public Right-of-Way are carried out in accordance with the specified design, all applicable state and local ordinances, and the Right-of Way Manual, provided there is no statute, settlement agreement, or judicial decision to the contrary. DPW shall also be responsible for obtaining all approvals and coordinating with third parties to minimize conflicts in plans and schedules with the Complete Streets Plan and manage and coordinate appropriate adjustments to either the Complete Streets Plan or schedule of work by third parties.
- H. In recognition of the unique nature of the built environment and the diverse needs of Users, Stakeholder input shall be reasonably considered, but the needs of the community shall be prioritized to achieve the objectives of the Complete Street Policy. This includes providing safety for and balancing the needs of all Users, addressing neighborhood needs, ensuring a strong sense of place, and designing individual streets in a manner that is sensitive to the residential and business area context.

Commented [JTB41]: Does this mean there is a master CS plan, like the capital waterfall, from which each budget season particular projects are then budgeted for implementations?

Commented [BG42R41]: In reality, it should be a subgrouping of the waterfall that breaks out complete streets, so that it is transparent to the public and town bodies/departments how the FY work will fit into the overall goals and objectives for the right of way.

Commented [JTB43]: Is this only for the 12 month fiscal plan or the entire master plan?

Is this language necessary in light of requirement that the ROW Manual is already supposed to reflect the best and latest standards and is updated regularly?

Commented [BG44R43]: Good point! -S strike (c).

Commented [JTB45]: Again, what exactly constitutes this Policy? Should this reference manual instead?

Commented [BG46R45]: Fairfield's endorsed Complete Streets Policy.

Commented [JTB47]: What "required approvals" exactly? from all "relevant boards and commissions"? Is approval from adjacent property owners required? If so, this would likely lead to cause for litigation and/or protracted process that can be used as an additional weapon by neighbors objecting to a new development or project

Commented [BG48R47]: First- I realized all references to ConnDot should be changed to CTDot.

Commented [BG49R47]: A core function of DPW, no? The added responsibility here is to follow the Town's Right-of-Way manual.

Commented [JTB50]: Not sure what this means

Commented [BG51R50]: The built environment in different parts of town may be unique. Definition: [Basic information about the Built Environment | US EPA](#). It provides color to why input

Commented [JTB52]: This is circular insofar as "stakeholders" is so broadly defined to include anyone and the "needs of the community" is not defined and subject to a huge spectrum of

Commented [BG53R52]: We usually have individual and public comment available to our residents. Those comments sho

- I. The Town shall encourage relevant professional development for the Complete Streets Coordinator, selected staff in the Engineering Department, and DPW regarding Complete Streets best practices.
- J. The Town shall actively promote public information and education and solicit feedback about Complete Streets from Stakeholders. Feedback sought should include, from time to time, scientifically designed and statistically valid surveys by qualified professionals of well-defined target groups.
- K. The Town and Complete Streets Coordinator shall coordinate Complete Streets planning and construction with relevant regional, state, and federal groups and authorities, including the Connecticut Metropolitan Council of Governments (MetroCOG), the Greater Bridgeport Transit Authority (GBTA), adjacent municipalities, ConnDOT, the ConnDOT Zero Vision Council, and the USDOT Safe Streets programs and grants to facilitate effective application of resources.

IV. Exceptions.

- A. The Town recognizes that, under certain circumstances, it may not be feasible or practical to implement one or more elements of the Complete Streets Policy. In such a case, a petition ("Petition") documenting the reason for an exception ("Exception") shall be made by a petitioner or petitioning body to the Complete Streets Coordinator and Complete Streets Commission, with separate copy sent to the Relevant Complete Streets Town Bodies for informational purposes.
- B. Any Petition for Exception shall be posted to the Town's website and shall be subject to a thirty (30) day public comment period. At the end of this period, comments received shall be compiled and included in the final documentation of Petition for Exception transmitted by the Complete Streets Coordinator to the Complete Streets Commission.
- C. The Complete Streets Commission shall act on the Petition for Exception within sixty (60) days of receipt thereof. If the Complete Streets Commission fails to act on the request within that time, the Petition for Exception shall be deemed denied without prejudice.
- D. Exceptions may include, but are not limited to, the following:
 - a. Improvement Projects on public Rights-of-Way where one or more categories of Users are prohibited, such as interstate freeways or pedestrian malls.
 - b. Facilities that are under the jurisdiction of another entity, such as the federal government or ConnDOT, with such facilities being addressed on an individual basis to achieve improvements that advance the Complete Streets Policy. With reference to the State of Connecticut's Complete Streets policies and laws, the Town shall proactively pursue,

Commented [JTB54]: Isn't this the role of the FBPC? Or is that committee no longer deemed necessary?

Commented [BG55R54]: The FBPC is a part of the Town and the FBPC can and should be directed by the Administration in this regard.

Commented [JTB56]: Again, where are these "elements" identified or catalogued?

Commented [BG57R56]: In the endorsed Complete Streets Policy.

Commented [JTB58]: This is likely illegal according to the Administrative Procedures Act (APA). At this stage of Town Attorney review, an appeal procedure likely needs to be put into place with reference to procedures set forth with respect to appealing their decision or non-decision denial (if that is even legal, which is TBD)

Denied without prejudice begs the question as to when a final determination is made that is then appealable. It also goes against the notion that the exception is truly denied, at least with respect to finality

The potential delay in projects and protracted litigation that may follow is operationally and legally concerning.

Commented [BG59R58]: The APA relates to State Agencies, no? This step requiring a transparent and timely process for exceptions is important.

Commented [BG60R58]: Note that Smart Growth America Scorecard, element #4 is to prevent discretionary exceptions in the future, helping to ensure equitable implementation. Quote in scorecard:

"The only way exceptions do not turn into a big black hole is by bringing a lot of sunlight to it. So exceptions are used when necessary—not just to bypass the policy. But if you don't make it clear what you're trying to do and involve the public in the decision then the exception can be a process by which the intent of your policy is completely undermined."

— Beth Osborne, Vice President of Transportation at Smart Growth America.

and work cooperatively with, ConnDOT to plan and implement Complete Streets improvements within these Rights-of-Way.

- E. Owners of private streets and ways shall also be encouraged to adhere to the Complete Streets Policy.

V. Reporting.

- A. Annually, the Complete Streets Coordinator, the Chairperson of the Complete Streets Commission, the Director of Public Works, and Town Engineer shall jointly present to a joint meeting of the BOS, BOF and RTM at which they will report on, at a minimum, the following:

- a. Implementation of the Complete Streets Plan including, but not limited to, the performance measures listed in Appendix A of the Complete Streets Policy, as updated from time to time.
- b. Annually enter and monitor Fairfield's position in Smart Growth America's ranking of National Complete Streets scores on the 100-point scale using the standardized set of ten (10) elements.
- c. Evaluation of the effectiveness of individual completed projects, including volume of Users, new Users, cost, implementation time, scope compliance, and satisfaction levels.
- d. Evaluation and statistics regarding conflicts within the Right-of-Way in Fairfield, including crashes, injuries, deaths, complaints, and property damage.
- e. Town-wide or Town area-specific survey results, if applicable (and only if conducted according to best statistical practices to achieve a high degree of confidence in results).
- f. Total dollar amounts invested in Complete Streets implementation and improvements, broken out by type.
- g. New developments in regional, national, and international Complete Streets design, engineering, and other best practices.
- h. Descriptions of potential amendments to this Ordinance, the Complete Streets Policy, Plan, and Right-of-Way Manual under consideration for any reason.

VI. Effective Date

This Ordinance shall take effect upon adoption.

Commented [JTB61]: Is the "CS policy" (however it is defined/enumerated) even designed to address private streets and ways?

Commented [BG62R61]: See page 7 of the endorsed Complete Streets Policy

Commented [JTB63]: Such a mandatory joint meeting is unprecedented and it is questionable whether this provision is legal under the town charter that already provides for mandatory meetings by these town bodies. That is to say, I don't think the RTM can mandate any meetings by other town bodies. Therefore, this should at most require annual presentation to the RTM, much like lease reports

Commented [BG64R63]: [Microsoft Word - Draft Model Complete Street Ordinance for Connecticut Municipalities 8_11_15.docx \(ctbikepedboard.org\)](#) This was based on recommendation by the State Bike/Ped Advisory Board, **SECTION III (10)**, but okay, if it is illegal then we can strike ""a joint meeting of". Of course, a joint meeting can be called by the FS, like was done with Penfield in August of 2022. It would likely be preferable for the presenters to have a joint meeting rather than present 3 separate times.

Commented [JTB65]: This costs \$. If based on a new 3rd party development, is the developer to be charged for this? How much is the cost anticipated to be?

Also, "volume of users" by definition includes cars, bikes, pedestrians, public transportation riders, commercial vehicles, disabled users etc... surely, the ordinance is not intending to get ...

Commented [BG66R65]: Okay, add "as appropriate and practical" at the end of the sentence. If the Town adds a bike path, it is important to monitor use, for example.

Commented [JTB67]: Is this mandatory as stated in Subsection A? Or is this discretionary and only upon availability as this seems to suggest?

Commented [BG68R67]: To clarify, can add "Any" at the beginning of the sentence and delete "if applicable."

Commented [JTB69]: Total cost to all involved, including DPW, developers and state projects? Or just town dollars?

Commented [BG70R69]: Total invested by the Town, including grants obtained by the Town. While the others (state and private) would be interesting to know, I assume that may be beyond the town's control

APPENDIX 1: Relevant Complete Streets Town Bodies

To be amended from time to time:

- Complete Streets Commission ~~(the LTA), currently the “Bicycle and Pedestrian Committee”~~
- Engineering
- Department of Public Works (DPW)
- Community and Economic Development
- Town Plan and Zoning (TPZ)
- Conservation
- Finance and Budgeting
- Parks and Recreation
- Health
- Police
- Fire
- Emergency Management
- Education
- Senior Activities
- Human Services
- Housing Authority

Suggested reading, to be updated from time to time:

[Complete Streets | US Department of Transportation](#)

[Complete Streets in the Southeast Presentation - AARP](#)

[Complete Streets | FHWA \(dot.gov\)](#)

[10 Elements of a Complete Streets Policy - Smart Growth America](#)

Commented [JTB71]: No role whatsoever for the FBPC?

Commented [BG72R71]: Yes, we can add the FBPC here.

Commented [JTB73]: If this appendix and ordinance are to be amended from Time to time by the RTM, I recommend the RTM L&A create a subcommittee for regular review for such anticipated necessary modifications

Commented [BG74R73]: Okay- let's discuss at the next RTM meeting

Commented [JTB75]: This really should not be part of the ordinance. That said, see comment above about RTM oversight committee

Commented [BG76R75]: Okay- will delete if not appropriate for inclusion.

[Smart Growth America The Best Complete Streets Policies 2023](#)
[Complete Streets Policies at the Local Level | ChangeLab Solutions](#)
[Case Studies in Delivering Safe, Comfortable and Connected Pedestrian and Bicycle Networks \(dot.gov\)](#)
[The Benefits of Street-Scale Features for Walking and Biking \(planning-org-uploaded-media.s3.amazonaws.com\)](#)
[Pedestrian Infrastructure - Streetsmart \(thinkstreetsmart.org\)](#)
[U.S. Department of Transportation National Roadway Safety Strategy](#)
[Vision Zero Network](#)
[Comprehensive-Pedestrian-Safety-Strategy---JanFeb-2021.pdf \(ct.gov\)](#)
[What Is The Vision Zero Council \(ct.gov\)](#)
[New Haven CSManualFINAL.pdf](#)
[Madison Complete Streets Policy_201807110838184454.pdf](#)
[Hartford complete_streets_final_2016.pdf](#)
[Montgomery-County-CSDG_Approved-2021.pdf \(montgomeryplanning.org\)](#)
[Traffic Crashes Cost America Billions in 2019 | NHTSA](#)
[State-Specific Costs of Motor Vehicle Crash Deaths | Transportation Safety | Injury Center | CDC](#)
[Report: Connecticut had most pedestrian deaths in over 40 years](#)
[Complete Streets Policy.pdf \(fairfieldct.org\)](#)
[Fairfield Bicycle & Pedestrian Master Plan Draft 7 \(fairfieldct.org\)](#)
[American Planning Association Junior Planner Job Descriptions](#)