

Date: October 12, 2022

To: Mayor and Members of City Council 202201893
From: Sheryl M. M. Long, City Manager
Subject: PEDESTRIAN ACCESS DURING CONSTRUCTION

Reference Document #202201428

The Council at its session on June 23, 2022, referred the following item for review and report.

MOTION, dated 6/13/2022, submitted by Councilmembers Jeffreys and Parks, WE MOVE that the Administration reports back to council within ninety (90) days with a policy framework that requires entities performing public roadway improvements and private development projects to maintain existing or improved levels of pedestrian access during construction. WE FURTHER MOVE that the Administration prioritize pedestrian access when evaluating constructions plans and permit applications to ensure that, unless there are extreme spatial limitations (i.e. the maintenance of pedestrian access would result in the complete loss of automobile access), pedestrian access is maintained by: 1) incentivizing/ mandating the use of scaffolding that allows pedestrian access, 2) removing parking lanes to maintain temporary pedestrian access, or 3) removing traffic lanes to maintain temporary pedestrian access.

The following report by the Department of Transportation and Engineering (DOTE) details the internal policy regarding pedestrian access during public and private improvement projects.

I. *DOTE Framework for Construction Activity in Public-Right-of-Way*

Safety for all users is the primary consideration. Construction activity location, type and duration vary, therefore, every location is reviewed independently so the users' safety is achieved. Construction activity location, type and duration vary; therefore, every location is reviewed independently so the users' safety is achieved.

Pedestrian protection and pedestrian access must be maintained at all times.

The permittee/General Contractor is responsible for assuring the work area is secured and pedestrians cannot walk under equipment or into the work area. Traffic control devices must be used to secure the work area. Pedestrian, advance warning or instructional, signs are required.

DOTE utilizes local, state, and federal regulations as governing rules along with site and project specific considerations. Additionally, the Department of Buildings & Inspections requires adjacent sidewalks to be closed for building demolitions.

Occasionally, a gap in communication or lack of information occurs between other City Departments, DOTE and the General Contractors. DOTE is updating internal procedures to reduce this gap and improve the communication and information with the permit holder to maintain existing or improve levels of pedestrian access.

II. Current Fees Structure

DOTE Permit fee structure currently incentivizes keeping pedestrian access open on existing sidewalk. Partial sidewalk closure permit fees are less than full sidewalk closure. For example, sidewalk on one block in the Central Business District (CBD) barricaded for 6-months would incur a DOTE Permit fee of approximately \$6,500.00 to maintain partial sidewalk or \$12,900.00 to close fully and detour pedestrians. Walk-through temporary covered walkways permit fee is \$86.00 (no matter the duration of time).

III. Community Engagement

DOTE regularly attends monthly meetings with the Cincinnati Accessibility Board of Advisors (CABA) and presented on July 20, 2022, current policies regarding pedestrian protection and access in construction zones. The information was well received by CABA members who indicated they currently use the CSR system when accessibility situations are encountered.

IV. Updating Internal Procedures – Next Steps

DOTE's current policy is that the contractor shall always maintain pedestrian protection and pedestrian access. To reduce potential gaps in communication and/or lack of information that occasionally occur between interested parties, DOTE is updating the internal procedures around pedestrian access issues. This update will seek to reduce communication gaps, increase coordination efforts between City Departments, ensure the DOTE pedestrian protection policy conditions are placed on permits, and improve enforcement on permitted and non-permitted work to make certain that safe pedestrian access is maintained during construction.

cc: John S. Brazina, Director, Transportation and Engineering