

### 6. Laws, Codes and Legislation

This chapter highlights existing and proposed national, state and local legislation that promote walking through transportation and building design.

#### a. Federal

In March 2010, the United States Department of Transportation (US DOT) signed a [Policy Statement](#) to reflect US DOT's support for the development of fully integrated active transportation networks and incorporating safe and convenient walking and bicycling facilities into transportation projects.

Every transportation agency...has the responsibility to improve conditions and opportunities for walking and bicycling and to integrate walking and bicycling into their transportation systems. Because of the numerous individual and community benefits that walking and bicycling provide — including health, safety, environmental, transportation, and quality of life — transportation agencies are encouraged to go beyond minimum standards to provide safe and convenient facilities for these modes.

The US DOT recommends the following actions in order to achieve the Policy Statement's goals:

- Considering walking and bicycling as equals with other transportation modes.
- Ensuring that there are transportation choices for people of all ages and abilities, especially children.
- Going beyond minimum design standards.
- Integrating bicycle and pedestrian accommodation on new, rehabilitated, and limited access bridges.
- Collecting data on walking and biking trips.
- Setting mode share targets for walking and bicycling and tracking them over time.
- Removing snow from sidewalks and shared-use paths.
- Improving nonmotorized facilities during maintenance projects.

#### b. National

Title 23 of the United States Code (U.S.C.) §217: [Bicycle Transportation and Pedestrian Walkways](#) states that bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with Sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

#### **Complete Streets' Bills Introduced in Congress**

A more integrated approach to the design of roadways, increasingly referred to as the "[Complete Streets](#)" movement, is gaining nationwide momentum. This design paradigm calls for a broader focus beyond vehicle traffic that encompasses the needs and safety of all users, including pedestrians, people with disabilities, bicyclists, users of public transportation, motorists, and others. Legislation introduced in Congress would advance this approach by making it integral to street design. "The Complete Streets Act of 2009," as introduced by bills in both the House and the Senate, requires state and local jurisdictions to adopt laws and policies applying "Complete Streets" principles to the design of new roadways. The introduced bills stipulate the scope, coverage, and content of policies and also authorize the development of accessibility standards for new or altered streets covered by the act. Further

information on the status of the House bill (H.R. 1443) and Senate bill (S. 584) is available on via the [Library of Congress](#) website.

The Bills will require each state to have in effect within two years a law, or each State Department of Transportation and MPO a policy statement that will require all federally-funded transportation projects, with certain exceptions, to accommodate the safety and convenience of all users in accordance with Complete Streets principles.

### **c. State**

Chapter 40R, Smart Growth Zoning and Housing Production, of the Massachusetts General Laws is a novel legislative approach designed to encourage denser housing production and mixed-use development at sites with infrastructure and to avoid sprawl. This legislation took effect on July 1, 2004. Providing a variety of transportation choices is a key component of smart growth.

According to Chapter 40R, a city or town may adopt a smart growth zoning district in an eligible location and may include adjacent areas that are served by existing infrastructure and utilities, and that have pedestrian access to at least one destination of frequent use (e.g., schools, civic facilities, places of commercial or business use, places of employment, recreation or transit stations). Accommodations for pedestrians need to be incorporated within the scale and goals of each 40R Project. In addition to Massachusetts General Laws Chapter 40R, Chapter 40A, Zoning, gives cities and towns authority to adopt ordinances and bylaws to regulate the use of land, buildings and structures.

Massachusetts is one of three states that require their state departments of transportation to accommodate pedestrians and bicycles into the design and construction of every project. The bill, enacted as Massachusetts General law Chapter 87 of the Acts of 1996, is sometimes referred to as the 'Paulsen Bill,' after its sponsor, former State Representative Anne Paulsen. This state law is referenced as Massachusetts General Law, Chapter 90E, Section 2A, 'An act relative to bicycle and pedestrian access in construction of public ways.'

Within the past two years, two Compacts have been developed that link transportation and health as well as support pedestrian policies and programs.

In 2009, Massachusetts's transportation reform law, '[An Act Modernizing the Transportation Systems of the Commonwealth](#)' provided a new opportunity for the state to make critical connections between land use, transportation policy and public health. The law establishes a [Healthy Transportation Compact](#) (Section 33). This Compact will convene Health and Human Services and Transportation leaders to work collaboratively to adopt best practices to increase efficiency to achieve positive health outcomes through the coordination of land use, transportation and public health policy. The Healthy Transportation Compact calls for the preparation of a health impact assessment for use by planners, transportation administrators, and developers. Moreover, the Compact specifically calls for developing methods to increase pedestrian travel.

### ***Best Practice – Smart Growth and Zoning***

#### ***North Reading***

With 406 units, Edgewood Apartments is the largest fully built out smart growth zoning district. The project began in fall 2004 and occupancy of the site started in spring 2008. The project is about a mile from the MBTA rail stop in Wilmington. The location type is considered to be 'highly suitable.'

**d. Local Zoning Codes and Land Use Regulations**

Cities and towns should include requirements for pedestrian mobility in their zoning and building codes, land-use plans, and subdivision regulations for both residential and commercial developments. Where appropriate, responsibility for sidewalk construction should be placed on individual developers.

Key elements for creating zoning regulations that support pedestrian activity include:

**Mixed Use Development:** create zones where retail, office, residential and other uses are combined.

**Town Center Planning:** encourage development into compact centers, either in new communities or existing developed areas.

**Design Guidelines:** establish clearly defined roadway, streetscape and public space criteria to ensure that new projects accommodate pedestrian activity.

**Form-Based Codes:** instead of conventional zoning, create codes that define the size, scale and proportions of buildings.

**Best Practices – Local Zoning and Land Use**

**Cambridge**

Cambridge has adopted specific plans and procedures to ensure that pedestrian improvements are consistently included in new development projects, construction work, and retrofits. [Article 19 of the Zoning Ordinance](#) has specific requirements about projects being pedestrian-oriented. Additionally, Cambridge requires [Transportation Impact Studies](#) (TIS) for large projects. A TIS includes requirements for pedestrian (and bicycle) counts, impacts on Pedestrian Level of Service (LOS) and mitigation for any impacts. A TIS is required by Article 19 of the Zoning Ordinance.

Components of [Cambridge's Parking and Transportation Demand Management \(PTDM\)](#) ordinance promote walking as a mode of transportation to reduce the level of drive-alone travel.

**Millis**

One of the key goals of the Millis Center Economic Opportunity Overlay District-East is to promote a pedestrian-friendly living and working environment. The Overlay District contains measures to enhance pedestrian access to buildings and between public spaces.

**Bedford**

Bedford's Depot Park [Mixed-Use Overlay District](#) focuses on mixed-use village style redevelopment. The Overlay District ensures the compatibility of structures with parking, pathways and other pedestrian amenities to facilitate pedestrian access.

**Norfolk, VA**

As part of [Norfolk's Lot and Yard Requirements and Standards](#) (I.4.a.5. Pedestrian Access), buildings shall generally be pedestrian way-oriented as well as physically and visually accessible to pedestrians from the pedestrian way. In addition, buildings shall provide pedestrian entrances that open to the front pedestrian way.

**Seattle, WA**

The Seattle Land Use Code provides for special [Pedestrian District Overlays](#) in commercial zones. Known as P1 and P2 overlays, they are intended to preserve and encourage pedestrian-oriented retail areas. Specific standards include a set of permitted and prohibited uses, reduced parking requirements, and limitations on blank facades.

### e. Pending

There is pending legislation which addresses Speed Limits, Sidewalk Accessibility, Senior Citizen Safety Zones, and Red Light Camera (RLC) Enforcement:

#### Speed Limits

According to current state legislation (M.G.L. Chapter 90, Section 17), if there is no posted speed limit in a thickly settled area or business district, the 'default' speed limit is 30 miles per hour. If the rate of speed were changed from 30 miles per hour to 25 miles per hour, a pedestrian's chances of survival significantly increase if struck by a motor vehicle. There is presently a proposed bill in the House, *An Act Relative to Speed Limits*, which would lower the prevailing speed limit in urbanized areas from 30 miles per hour to 25 miles per hour.

#### Sidewalk Accessibility

*An Act Relative to Improved Sidewalk Accessibility* proposes that all newly constructed sidewalks in Massachusetts not be made of brick or from materials that are considered to limit the disability community's ability to access sidewalks. Establishing a 'Massachusetts Commission on Sidewalk Accessibility' is also proposed as part of this act.

#### Senior Citizen Safety Zones

The proposed bill, *An Act Authorizing the Establishment of Senior Citizen Safety Zones*, will enable a municipality to establish, by ordinance, a Senior Citizen Safety Zone on a public way. If a Senior Citizen Safety Zone is established, the municipality may reduce speed limits to not less than 20 miles per hour in this designated area.

#### Red Light Camera (RLC) Enforcement

Red Light Camera (RLC) enforcement is used to enforce traffic control signals by imposing penalties for violations. An RLC system automatically detects when a vehicle illegally enters a signalized intersection and takes a photograph or video (or both) of the infraction. Subsequently, a violation would be issued and mailed. If enacted, RLC enforcement would be part of Chapter 90 of the Massachusetts General Laws (M.G.L.) as a local option law.

Currently RLCs are permitted in 12 states and 47 cities, including Atlanta, Chicago, Houston, Los Angeles, New York City, Philadelphia, Phoenix, San Francisco, Seattle, and Washington, DC. Studies have concluded there are downward trends in red light running crashes and violations because of RLCs.