

Taking it to the Street

Last session, the Vermont Legislature enacted H.198, a bill that requires a municipality “to consider ‘complete streets’ principles” when planning, designing, constructing, and maintaining its highways. (“Complete streets,” according to the National Complete Streets Coalition, are roads that are safe and accessible for everyone, not just motor vehicles.) This legislation outlines that the use of these principles in the design of our streets will ensure the “safety and accommodation of all transportation system users, regardless of age, ability, or modal preference.” 19 V.S.A. § 309d (a). The law places some new responsibilities on those employees and/or officials who manage the paved municipal highway system. (Unpaved highways are exempt. 19 V.S.A. § 309d(a)). In most municipalities, the selectboard has “the general supervision and control” of the town highway system. 19 V.S.A. § 303.

Incorporating a sidewalk into a highway project is one way to make a highway system safely accessible to more users and alternative modes of transportation; however, it may not be the most appropriate or the only option after you consider the community context (Is this a downtown or a rural area?) or anticipated users (Are they school children or commuters?). A student, even with the installation of sidewalks, still may not have a safe route to school if safe crossings are not available or if school zone speed limits are not enforced. Incorporating a variety of solutions to ensure that the student can walk to school may also reduce congestion on a highway and commuter travel time by eliminating unnecessary trips to a school to drop off children.

Although the law does not define “complete streets principles,” guiding fundamentals can be found on the National Complete Streets Coalition’s website, www.completestreets.org/. They include designing roadways to slow down

motor vehicles by using landscaping, on-street parking, or curbed bump outs at crosswalks; restriping travel lanes to increase shoulder width for alternative modes of travel; and installing accessible pedestrian signals and modifying signal timing to ensure that all users can cross a street safely. Slowing down traffic in a downtown or village has the added benefit of increasing a commercial district’s visibility and encouraging travelers to stop and spend time in your community.

If a municipality determines that the “project will not incorporate complete streets principles,” it must make a written determination that one or more of the following exists:

- Use of the transportation facility by pedestrians, bicyclists, or other users is prohibited by law.
- The cost of incorporating complete streets principles is disproportionate to the need or probable use as determined by factors such as land use, current and projected user volumes, population density, crash data, historic and natural resource constraints, and maintenance requirements. The municipality shall consult local and regional plans, as appropriate, in assessing these and any other relevant factors.
- Incorporating complete streets principles is outside the scope of a project because of its very nature. 19 V.S.A. § 309d(a).

The determination that these conditions exist must be supported by appropriate documentation and filed with the municipal clerk and the Vermont Agency of Transportation. A determination by the municipality to not include complete streets principles in a municipal project is not appealable or subject to any further review.

The law does not apply to private roads because they are not “managed by a municipality.” Also

not covered are roads that are planned and constructed as part of a subdivision before it is accepted by the legislative body by ordinance or resolution. 24 V.S.A. § 4463 (c).

Stephanie Smith, AICP, Senior Associate
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