



Memorandum

Date: 11/19/2024
Meeting of: Committee of the Whole - Public Safety and Human Services

File No. CM 24-544
Type: Committee Memo

TO: Committee of the Whole - Public Safety and Human Services
FROM: Mayor Angela Birney
DEPARTMENT DIRECTOR CONTACT(S):

Executive	Malisa Files, Chief Operating Officer	425-556-2166
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DEPARTMENT STAFF:

N/A	N/A	N/A
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TITLE:
Council Policy Proposal and Resolution

OVERVIEW STATEMENT:

In September, Council proposed a resolution, through the policy hopper process, to clarify how a business owner or party of interest may submit a permit request to temporarily place protective measures in the public right of way. At the Committee of the Whole on November 4, 2024, Council asked staff to look at the resolution for any suggested edits which are outlined in Attachment A. The Council’s original policy proposal can be found in Attachment B.

Additional Background Information/Description of Proposal Attached

REQUESTED ACTION:

Receive Information Provide Direction Approve

REQUEST RATIONALE:

- **Relevant Plans/Policies:**
Council Policy Proposal dated September 18, 2024
- **Required:**
N/A
- **Council Request:**
Requested by Council Vice-President Jessica Forsythe and co-sponsored by Councilmember Steve Fields.
- **Other Key Facts:**
The proposal’s problem statement maintains the policy item is a result of multiple vehicles being used to commit crimes and lack of clarity on permitting processes for temporary protective structures in the City’s right-of-way.

OUTCOMES:

The City of Redmond Right of Way permit process is governed by Redmond Municipal Code 12.08.010 and 12.12.080.

Also considered in any situation is the federal, state and local laws setting standards for public safety, accessibility and infrastructure when placing barriers in the City's right-of-way. The City of Redmond standards and regulations are defined by the desired outcome of increased safety for pedestrians and bicyclists. The reference documents used include the Federal Highway Administration (FHWA) and American Association of State Highway and Transportation Officials (AASHTO). Key references include The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) that defines the standards used to install and maintain traffic control devices on all streets, highways, pedestrian and bicycle facilities, and site roadways open to public travel and the AASHTO Roadside Design Guide that is a synthesis of current information and operating practices to roadside safety. It focuses on safety treatments that can minimize the likelihood of serious injuries when a motorist leaves the roadway.

The Revised Code of Washington (RCW) [58.17 <https://app.leg.wa.gov/RCW/default.aspx?cite=58.17>](https://app.leg.wa.gov/RCW/default.aspx?cite=58.17) also provides regulations in connection with development and improvements to promote public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to promote effective use of land; and to promote safe and convenient travel by the public on streets and highways. All of these standards are taken into consideration when evaluating the City's right-of-way.

Per Council's request, the attached resolution (Attachment A) has been redlined for changes Council may want to consider. The proposed changes to the resolution are outlined below, including:

- Added a "whereas" statement to recognize the standards the City uses for right-of-way management.
- In Section 1(A) the language includes creation of a plan, however the City already has a plan/process for permitting right of way use and modifications through right of way use permits under RMC 12.08 - Street Repairs, Improvements, Alterations, and Business Use and RMC 12.12.080 - Required Improvements for Buildings and Developments. The recommendation would change the resolution language to improve and provide clarity to the current process for right-of-way use rather than create a new process.
- In Section 1(B)(b), (c), and (d) includes language that the plan "shall at minimum provide" certain things such as the placement of barriers. The language is concerning as there are many factors that will go into the evaluation for each possible location and whether the placement of barriers or deterrents is possible. As a result of ADA, bike and pedestrian safety standards, uniform traffic control device standards, the cost of moving existing utility underground infrastructure, vehicular safety, etcetera, there is a possibility that a particular location cannot have barriers or deterrents placed in the right-of-way.
- Section 1(B)(d) is written to require an "approval process" for barriers or deterrents not included in the proposed plan. The language has been revised to provide for the improvement of the current deviation request process and review and consideration of other options. An "**approval** process" implies a barrier or deterrent will, by default, be approved. The revised language allows for other possibilities to be considered against established criteria.
- Section 2 has been deleted as any permit application will be processed under the current code and standards. The possible continuing policy work would not be a reason to make a decision on a pending application.

Staff will be at the Public Safety and Human Services Committee of the Whole, to answer any questions the Council may have.

COMMUNITY/STAKEHOLDER OUTREACH AND INVOLVEMENT:

- **Timeline (previous or planned):**
N/A
- **Outreach Methods and Results:**
N/A
- **Feedback Summary:**
N/A

BUDGET IMPACT:

Total Cost:
N/A

Approved in current biennial budget: Yes No N/A

Budget Offer Number:
N/A

Budget Priority:
N/A

Other budget impacts or additional costs: Yes No N/A

If yes, explain:
N/A

Funding source(s):
N/A

Budget/Funding Constraints:
N/A

Additional budget details attached

COUNCIL REVIEW:

Previous Contact(s)

Date	Meeting	Requested Action
11/4/2024	Committee of the Whole - Planning and Public Works	N/A

Proposed Upcoming Contact(s)

Date	Meeting	Requested Action
N/A	None proposed at this time	N/A

Time Constraints:

Date: 11/19/2024

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ANTICIPATED RESULT IF NOT APPROVED:

N/A

ATTACHMENTS:

Attachment A: Proposed Resolution with Redline and Comments

Attachment B: Council Policy Proposal