

REPORT OF THE PROCEEDINGS OF
The ORDINANCE REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION
HELD AT VILLAGE HALL ON:

May 24, 2017

Project Title: Chapter 28 Amendments – Bike Parking Ordinance

Petitioner: Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL

Requested Action:

- Chapter 28 Text Amendments: Bike Parking Ordinance

Attendees: Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
John Sigalos, Plan Commissioner
Bill Enright, Deputy Director Planning
Bridget Schwab, Civil Engineer, engineering Department

Bicycle and Pedestrian Advisory Commission Members:
Peter Szabo, Chair
Jurgen Juffa, Commissioner
Alan Medsker, Commissioner
Paul Danko, Commissioner

Presentation

J. Juffa presented a power point presentation to the ORC. The BPAC conducted a community survey and three main inputs resulted from the over 1,000 respondents: 1) the lack of bike parking is a major barrier to biking in the Village; 2) 56 locations were identified as areas lacking bike parking; 3) 25% of respondents would like to see more bike parking at shopping and entertainment destinations.

J. Juffa went on to present that bike racks are a low cost alternative to additional auto parking. The BPAC made some estimates on who could potentially benefit from the bike Ordinance. Review demographics, there are 44,000 persons in the Village aged 20 to 65 that are within the age group who could be fit enough to use a bike. A survey from Portland indicated that about 8% of the population would be deemed enthusiastic bike users, those who would use a bike for more than just recreation. So 8% of 44,000 provide an estimate of who could benefit. Add into the numbers a percentage of Junior High and High School aged kids in the Village (4,800 students) and the total increases.

Other communities have a bike parking Ordinance in place and the BPAC reached out to them and obtained positive feedback on how their Ordinances have worked. In addition the BPAC looked at recent Village developments and 7 of 11 voluntarily provided racks at staff request. This indicates general acceptance of providing bike parking.

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J. Juffa indicated that the scope of the proposed Ordinance is limited to new developments and to new businesses that would increase the parking requirements for a site. Also the Director of Planning can exempt a business if there is no physical space for a new rack. The framework for the Ordinance is similar to that for auto parking as it uses the same use categories but at a lesser ratio per square foot. There is also a maximum cap on the number of spaces for larger uses. Downtown would be exempt for new businesses but new developments would require racks.

A map was presented that indicates where there is a need for additional bike parking. Two areas were identified through the community survey where the perception is more racks are needed: Downtown and the Rand Road/Palatine Road/ AH Road commercial corridor. The BPAC conducted a utilization study of existing racks and found that 56% were in use and 44% were not in use at the time of the observation. This is an indication that rack are used by the community. Images of various styles of rack were presented.

In addition the BPAC researched the cost of bike parking and if you include the concrete base and rack, each 2 bike rack costs about \$500. It is half that if the concrete pad is already present, which would be typical. Another study found the average cost total at about \$660. A 2013 count of the Village indicated that there are about 2,500 racks in the Village. Assuming a need of another 2,500, then the cost to install the additional racks would be \$625,000. This cost would be spread among the Village, Parks, private property owners/businesses over time.

Meeting Discussion

L. Jensen complimented the BPAC for the study but he thinks that if you double the racks in the Village, this Ordinance would not achieve the desired results. If the uses don't change in an area, then it could takes a long time to meet the need.

J. Juffa agreed that it would take time to implement.

T. Ennes asked if the Village could look at ways to encourage adding bike racks in the areas that are needed but that could take a long time to implement. He cited downtown events as an example.

B. Schwab indicated that the BPAC has reached out to Frontier Days festival to have areas for bikes to park during events, and that we do have racks in the downtown garages for those events.

B. Green asked why the downtown is exempted from the Ordinance.

B. Schwab indicated that the Village controls the sidewalks and garages downtown and will place racks downtown where needed. We have a database of all racks downtown and monitor the situation. We don't want to have too many racks spread out downtown due to aesthetics and different users of the sidewalk.

B. Green added that he has an issue with imposing this requirement on private businesses. Also does it raise legal issues for businesses who provide racks for the public? Also if we are getting such a good response from developers now without the Ordinance, why not then keep it voluntary? If a business thinks they need a rack for their customers let them make that determination. Racks should be publically

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funded on public property. He also expressed concerns with the safety of autos and bikes on the same roadways and that bicyclists too often don't obey the rules of the road.

P. Szabo indicated that he didn't think this would be a legal issue as it's really no different than businesses providing auto parking for the public.

J. Juffa pointed out that this Ordinance is in consistent with the Complete Streets Policy adopted by the Village Board to encourage alternative modes of transportation. There are engineering solutions to any issues arising from bikes and autos using the same spaces.

B. Green asked how the utilization study was conducted where it was determined that about 50% of the racks were being used and 50% not in use at the time of the study?

B. Schwab indicated that the observations were taken at one point in time and when the BPAC estimated that the usage would be at peak times. Typically the locations were observed for 1 hour.

L. Jensen handed out a summary of his thoughts to the group. He thanked the BPAC for their work and thorough study but had concerns with implementation. He stated that he fully supports good bike infrastructure but that he views this as the responsibility of the Village to provide this important piece of infrastructure and that the Village should aggressively pursue implementation. He sees this as a public good and thus a public financial responsibility. This code amendment does not accomplish the desire to have more racks where they are needed. It would take years to have racks installed when the uses don't change very often. A better approach is for the Village to purchase the racks and work with the property owners to provide the racks where they are needed. This could be accomplished much quicker. This approach is a regulatory burden on businesses. He is supportive of the Village using public funds to implement, but not supportive of the proposed Ordinance.

J. Juffa asked how a public private partnership could work.

L. Jensen stated that the Village could approach the centers where we see a need for more racks per the BPAC study and survey, and the Village could offer to pay for the racks. This approach gets the racks where we need them and not where we don't need them.

B. Enright added that the Village has a Capital Improvement Plan process to seek funding for improvements. This is an item that could be requested for funding if seen as a public purpose.

L. Jensen felt that currently developers may feel coerced by the Village into providing racks.

B. Enright indicated that developers have not raised concerns with providing racks when asked and that they often already have racks in their plans.

J. Juffa added that the proposed Ordinance is a mechanism to implement the Complete Streets Policy.

P. Szabo added that if this was required by code, then it wouldn't be perceived as coercion or pressure from the Village.

J. Juffa asked why the Committee views the bike parking Ordinance different than auto parking?

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L. Jensen indicated that we already have the infrastructure in place for autos, whereas that infrastructure for bikes is not fully in place. In addition all uses will require auto parking whereas not all uses require bike parking from a practical standpoint. He reiterated that he supports the infrastructure, but not via more regulations and not via the Plan Commission process.

P. Szabo indicated that the parking ratios for bikes recognizes that the bike parking needs are less than auto parking, and the proposed Ordinance addresses that difference. In addition to bike parking being a public good, it also benefits the private businesses.

B. Green summarized that the three members of the ORC are just a portion of the full Plan Commission, but that the members present are not in support of the proposed Ordinance. All the ORC members complimented the BPAC on the report and efforts.

B. Enright indicated that this would be on the Plan Commission agenda in July with the Bikeways Plan.

The meeting adjourned at 7.45pm.

Bruce Green, Chair
Ordinance Review Committee
Bill Enright, Recorder

Comments on the Proposed Bike Parking Ordinance
Lynn Jensen
Ordinance Review Committee
May 24, 2017

Arlington Heights has embraced the goal of encouraging bicycling as an alternative mode of transportation. To support this objective, the Village has for some time also worked to encourage installation of bicycle racks. These are worthy goals and should be supported. Arlington Heights should have a robust bicycle parking infrastructure that meets current and projected future needs. An important step in achieving these goals is development of the report, the *Village of Arlington Heights Bicycle and Pedestrian Plan*.

The recommended approach in this report for building the parking infrastructure seems to be:

- Develop a comprehensive bicycle parking plan (displayed on a map)
- Do a comprehensive inventory of existing parking spaces (displayed on a map)
- Determine the extent and nature of the parking space shortfall
- Develop an action plan for correcting that shortfall
- *Use the Plan Commission's petitioning process, with the new proposed ordinance changes, to require installation bicycle racks throughout the village*

The first four steps are the essence of a coherent planning and execution process. The final step, however, puts the *Village into a regulatory, command-and-control and enforcement role* that forces private entities to install and pay for the placement of bicycle racks. This approach is reflected in the proposed *Schedule of Bicycle Parking Requirements*.

I am opposed to these text amendments on philosophical as well as pragmatic grounds. Building this parking infrastructure *for the general benefit of the village's residents* turns this endeavor into a straightforward public finance issue that involves a public good or service.¹ Public goods or services are usually provided by a governmental entity and paid for with public funds.

Use of bureaucratic rules, such as those embodied in the proposed *Bike Parking Ordinance*, is the antithesis of sound planning. This approach will inevitably lead to a piecemeal, patchwork bike parking infrastructure that will fail to adequately meet the needs of the village's residents and be built in one of the least cost-effective ways over a long time frame.

On pragmatic grounds, it is inappropriate to use the petitioning process of the Plan Commission as a principal means to implement an action plan for improving the village's bicycle parking infrastructure. There is no obvious connection between the location of proposed new construction and the optimal placement of bike racks.

¹ A public good is an item consumed by society as a whole and not necessarily by an individual consumer. Public goods are financed by tax revenues. All public goods must be consumed without reducing the availability of the good to others, and cannot be withheld from people who do not directly pay for them.

A likely outcome of adopting these ordinances is that the bike parking infrastructure will be:

- Over-built for a relatively small number of users
- Suboptimal in distribution, with too much parking in some areas and too little in other areas
- costlier than need be
- paid for by the equivalent of an arbitrary and capricious tax on a select few individuals as opposed to financed more equitably by the larger Arlington Heights community.

An alternative to the regulatory approach embodied in these proposed ordinances is to treat the building out of our bike rack infrastructure as the public finance issue it is. In this approach, the *Village serves as the active change agent and general contractor* for the benefit of the whole community (see Appendix A). This approach is much more likely to produce a desired outcome: the optimal number and distribution of bike racks to meet the needs of village residents, developed in the most cost-effective manner, with the costs born appropriately by village residents as a whole.

For these reasons, I cannot support these text amendments on bike parking ordinances to the village code.

Appendix A: A Public Finance Approach to Building Out Arlington Heights' Bike Rack Infrastructure

An alternative to the regulatory approach embodied in the proposed Bike Parking Ordinance is for the *Village to serve as the change agent and general contractor* for the benefit of the whole community. The Village should build out the bike parking infrastructure in phases, as the needs and funds permit. The phases would be:

- Improve the bike parking facilities on public property (e.g., governmental facilities, parks, libraries) according to the comprehensive plan.
- Install, consistent with the comprehensive bicycle parking plan, new or improved bike parking facilities on existing private property through a process of negotiation over the placement, with the Village bearing the installation cost.

When biking and bicycle racks are consistent with the business model of a petitioner who comes before the Plan Commission, the racks should be installed at the petitioner's expense. When biking and bike racks are consistent with the comprehensive plan, but not necessarily consistent with a petitioner's business model, the Village should enter in to discussions with the petitioner concerning placement of a bike rack on that private property at the Village's expense.

Appendix B: Clarification on Why the Bike Rack Ordinance Should Not Be Modeled after an Automobile Parking Ordinance

At first glance, it might seem that the type of ordinances governing automobile parking spaces should apply to bicycle parking. This is an invidious comparison. Whenever a structure or facility is built—whether it be residential, commercial or industrial—the activity housed in that facility will, with a very high probability, generate automobile traffic since that is the primary mode of transportation for most people in most cases. The Village builds and maintains the streets and related traffic equipment and pays for them with Village funds. We have enough experience with these kinds of situations that we can determine the most likely amount of additional parking spaces that will be needed. Since the petitioner has the right, in most cases, to treat those parking spaces as private property to be used only by himself and his customers, it is appropriate that a petitioner build and pay for the additional parking his facility generates.

For the most part, bikes racks would not be viewed as private property, but rather would be intended for general public use, unless they are specifically separated from general public access. With bicycle parking, we cannot estimate with much certainty the amount of bike traffic the facility will generate, but we know it will be relatively small. In the case where the racks are for public use, the Village should install and pay for them. In the case where the racks are restricted for private use, the petitioner should install and pay for them.⁰⁹

