

## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Ash Kulak, Deputy Administrator / Deputy Attorney

**Date:** November 15, 2024, revised November 27, 2024

**Re:** Resolution 2024-23 – To Amend the City of Bloomington’s Transportation Plan in Order to Incorporate the Safe Streets and Roads for All (SS4A) Safety Action Plan

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### Synopsis

Pursuant to state law and as directed by the Common Council in Resolution 2024-07, this resolution amends the City of Bloomington’s Transportation Plan in order to incorporate the Safe Streets and Roads for All (SS4A) Safety Action Plan.

### Relevant Materials

- Resolution 2024-20
- Amendment 01 to Resolution 2024-20, adopted 9-0 on November 20, 2024
- Certification form from Plan Commission
- [*revised material*] City of Bloomington Safe Streets and Roads for All Safety Action Plan “Attachment A as amended”
- [*new material*] Attachment B, Appendices A through C
- Staff Memo from Ryan Robling, Planning Services Manager

### Update for December 4, 2024 Regular Session

This item was introduced at the November 20 Regular Session, at which the Council considered and adopted Amendment 01 (included herein). The amendment came at the request of the Planning Department and included a revised version of the SS4A Safety Action Plan and three appendices to include as additional attachments with the legislation.

The [original SS4A Plan included in the November 20 legislative packet](#) was still in draft form. A revised Plan, along with the three appendices and Amendment 01, was [included in a packet addendum](#) released the same day of the November 20 Regular Session. Because the Plan was substantially revised, though mostly in formatting and contextual, with little time for the public to review all of the changes, the Council decided by motion to postpone discussion of Resolution 2024-20 to the December 4, 2024 Regular Session. This item returns now for further discussion and final action.

Note that because this item was amended, the procedures below governing amendments by the legislative body to the proposal certified by the Plan Commission will apply. Notably, should the Council pass Resolution 2024-20 as amended, the legislation and amendment must return to the Plan Commission along with a written statement of reasons for the amendment. The Plan Commission would then have 60 days to consider the amendment, unless the Council extends the time.

## Summary

[Resolution 2024-20](#) would adopt the Safe Streets and Roads for All (SS4A) Action Plan as an amendment to the City's Transportation Plan. The Council adopted [Resolution 2024-07](#) on April 3, 2024, which started the process to incorporate SS4A in an amended Transportation Plan. Packet materials for that [Resolution 2024-07](#) can be found on the council website for the [April 3 Regular Session](#).

The [Transportation Plan](#) was adopted by the City on July 17, 2019, as an amendment to the City's Comprehensive Plan. The Transportation Plan fulfilled the 2018 requirement to develop an updated Master Thoroughfare Plan, and it guides the City's transportation investments, policies, and operations to achieve the City's goals. More information about the Transportation Plan can be found online at: [bloomington.in.gov/transportation/plan](http://bloomington.in.gov/transportation/plan).

## Comprehensive Plan Amendment Process

Proposals to amend the City's Comprehensive Plan are governed by state law under [Indiana Code \(I.C.\) 36-7-4-500 in the "500 Series – Comprehensive Plan."](#) Generally, a Comprehensive Plan is prepared by the Plan Commission and must be approved by resolution of the legislative body in accordance with statutory requirements. Note that local code (BMC [20.06.070\(a\)](#)) also sets forth the procedure for review and amendment of the Comprehensive Plan, which requires amendments to proceed according to the 500 Series and allows the Plan Commission to recommend and the Common Council to determine the appropriate interval for review of the Comprehensive Plan.

Amendments to the Comprehensive Plan must be approved according to the general procedures set forth in the 500 Series, which require the Plan Commission to prepare the comprehensive plan ([I.C. 36-7-4-501](#)), hold a public hearing on the plan ([I.C. 36-7-4-507](#)), and certify it to the legislative body ([I.C. 36-7-4-508](#)).

Under [I.C. 36-7-4-511](#), if the legislative body wants an amendment to the Comprehensive Plan, it may direct the Plan Commission to prepare one and submit it in the same manner as any other amendment to the Comprehensive Plan. The default deadline for this is sixty (60) days, but the legislative body may extend that time.

On April 9, 2024, the Common Council passed [Resolution 2024-07](#), which initiated the process to amend the Transportation Plan by establishing the goal of zero traffic deaths and serious injuries in the City's roadways by 2039, outlining the City's intention to pursue a comprehensive approach to achieve that objective, and requiring the adoption of the SS4A Safety Action Plan.

On October 7, 2024, Plan Commission prepared and voted to send the amendment to the Council with a positive recommendation by a vote of 6-1-0. The Plan Commission's proposal amends the City's Transportation Plan to incorporate the SS4A Safety Action Plan. The Plan Commission certified its proposal on October 15, 2024.

The following procedures apply to a proposal to amend the Comprehensive Plan:

- After the Plan Commission determines its recommendation on a proposal and a public hearing has been held, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. This proposal received a favorable recommendation by the Plan Commission by a vote of 6-1-0.
- After the Plan Commission certifies the proposal, the legislative body may, by majority vote, adopt a resolution approving, rejecting, or amending the Comprehensive Plan. This resolution is NOT subject to approval or veto by the executive, who is not required to sign it.
- If the legislative body approves the proposal as certified by the Plan Commission, it becomes official for each unit that approves it and the clerk of the legislative body must place one copy of it on file in the office of the county recorder.
- Unlike zoning or development ordinance amendments, if the legislative body does nothing, the Comprehensive Plan or amendments as certified by the Plan Commission do NOT go into effect. This is because, under state statute, the Comprehensive Plan is not effective for a jurisdiction until it has been approved by a resolution of the legislative body.
- If the legislative body wants to reject or amend the proposal, it must return the Comprehensive Plan to the Plan Commission for its consideration, along with a written statement of reasons for the rejection or amendment. The Plan Commission then has 60 days to consider the rejection or amendment and file its report with the legislative body, unless the legislative body extends that time by a specific duration.
- If the Plan Commission approves of the legislative body's amendment(s) to its proposal, the amended Comprehensive Plan stands as of the date the Plan Commission files its report with the legislative body. If the Plan Commission disapproves of the legislative body's rejection or amendment, the legislative body's rejection or amendment only stands if confirmed by another resolution. However, if the Plan Commission does not file a report with the legislative body in its allotted time, the legislative body's rejection or amendment of the Comprehensive Plan becomes final.

These procedures may seem cumbersome but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

### **Contact**

Ryan Robling, Planning Services Manager, 812-349-3459, [roblingr@bloomington.in.gov](mailto:roblingr@bloomington.in.gov)

**RESOLUTION 2024-20**

**TO AMEND THE CITY OF BLOOMINGTON'S TRANSPORTATION PLAN IN ORDER TO INCORPORATE THE SAFE STREETS AND ROADS FOR ALL (SS4A) SAFETY ACTION PLAN**

WHEREAS, pursuant to IC 36-7-4-501, the Plan Commission is responsible for preparing comprehensive plans and amendments thereto and forwarding them to the Common Council; and

WHEREAS, on May 22, 2019, with the passage of Resolution 19-01, the Common Council adopted the City's current Transportation Plan as an amendment to the City's Comprehensive Plan; and

WHEREAS, the Common Council, via Resolution 2024-07, directed that a Transportation Plan amendment proposal be considered by the Plan Commission to adopt a Safe Streets and Roads for All (SS4A) Safety Action Plan; and

WHEREAS, the Plan Commission has considered this case, MP-38-24, and recommended that an SS4A Safety Action Plan be amended into the Transportation Plan; and

WHEREAS, the Plan Commission requests that the Common Council consider this petition;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The City's Transportation Plan is amended.

SECTION 2. An Amended Transportation Plan, including other materials that are incorporated therein by reference, is hereby adopted. Said addendum to the Transportation Plan consists of the following documents which are attached hereto and incorporated herein:

1. The proposal forwarded to the Common Council by the Plan Commission with a positive recommendation by a vote of 6 Ayes, 1 Nays, and 0 Abstentions., consisting of:
  - a. MP-38-24, (hereinafter "Attachment A")

SECTION 3. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

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NICOLE BOLDEN, Clerk  
City of Bloomington