

INTRODUCED: 4/13/2020

REFERRED TO: Public Works Committee

SPONSOR: Councillors E. Evans, Brown, Barth, Graves and Osili

DIGEST: authorizes the bus-only and bus-and-turn lanes for the Purple Line and amends the Code to make various changes to Chapters 441 and 621 regarding traffic and parking as a part of the Purple Line rapid transit project, one key component of the Marion County Transit Plan

SOURCE:

Initiated by: Indianapolis Public Transportation Corporation

Drafted by: Indianapolis Public Transportation Corporation

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL:

Date: April 9, 2020

CITY-COUNTY GENERAL ORDINANCE NO. , 2020

PROPOSAL FOR A GENERAL ORDINANCE authorizing the bus-only and bus-and-turn lanes for the Purple Line; and amending the Revised Code to make various changes to Chapter 621, Parking, Standing and Stopping Restricted and Chapter 441, Traffic.

WHEREAS, Senate Enrolled Act 176 (2014) enacted by the Indiana General Assembly provided an opportunity for the citizens of Marion County to vote by referendum in a general election on whether to fund county-based public transportation improvements through a local income tax not to exceed 0.25 percent; and,

WHEREAS, pursuant to IC 8-25-2-1, the City-County Council ("Council") authorized a referendum to fund public transportation improvements to be placed on the November 2016 general election ballot for Marion County voters; and,

WHEREAS, pursuant to IC 8-25-2-3, the referendum question was as follows: "Shall Marion County have the ability to impose a county economic development income tax rate, not to exceed a rate of 0.25%, to pay for improving or establishing public transportation service in the county through a public transportation project that will create a connected network of buses and rapid transit lines; increase service frequency; extend operational hours; and implement three new rapid transit lines?"; and,

WHEREAS, at the November 8, 2016 general election, the voters of Marion County approved this local public question by a vote of 191,989 in favor (59.36%) to 131,426 against (40.64%); and,

WHEREAS, pursuant to IC 6-3.6-7-27 and IC 8-25-3-1, the Council adopted Fiscal Ordinance No. 001-2017 to impose an additional local income tax rate for the public transportation project; and,

WHEREAS, pursuant to IC 6-3.6-3-3(b), the new tax rate took effect on October 1, 2017; and,

WHEREAS, pursuant to IC 8-25-3-7 and IC 6-3.6-7-27, the local income tax revenues attributable to the new additional tax rate "may be used only to purchase, establish, operate, repair, or maintain a public transportation project authorized under [IC 8-25]"; and,

WHEREAS, IC 8-25-4-2 provides that the City-County Council "may adopt an ordinance authorizing a public transportation corporation to carry out a public transportation project in accordance with the powers

granted to the public transportation corporation under IC 36-9-4," subject to the Council's appropriating power and any other powers reserved for the Council; and,

WHEREAS, the Indianapolis Public Transportation Board of Directors adopted the Marion County Transit Plan by approval of action item A-8 at the Board's meeting held on March 24, 2016; and,

WHEREAS, the Indianapolis Public Transportation Board of Directors approved Resolution 2015 - 03 Supporting the Purple Line Bus Rapid Transit Service and Grant Application for Federal Transit Administration Small Starts Funding on September 24, 2015; and,

WHEREAS, in 2017, pursuant to G.O. 52, 2017, the City-County Council authorized the Indianapolis Public Transportation Corporation ("IPTC") to carry out a public transportation project in accordance with IC 8-25 and IC 36-9-4; and,

WHEREAS, the Purple Line design plans include permanent stations to be constructed in the public right-of-way along the bus stops set forth in Sec. 621-402(c) of the Revised Code; and,

WHEREAS, the Purple Line design plans include dedicated bus-only lanes on segments of North Post Road and East 38th Street; and,

WHEREAS, these Purple Line stations and dedicated bus-only lanes will require new traffic signals, changes to parking, and new traffic management measures; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 621-121(b) of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 621-121. – Parking prohibited at all times on certain streets.

(b) The streets or portions of streets to which the prohibition contained in subsection (a) shall apply are as follows:

~~Thirty-eighth Street, on both sides, from Dandy Trail to County Line Road;~~
~~Thirty-eighth Street, on both sides, from Dandy Trail to Sutherland Avenue;~~
~~Thirty-eighth Street, on both sides, from Post Road to County Line Road;~~

~~Post Road, on both sides, from Washington Street to Pendleton Pike;~~
~~Post Road, on both sides, from Washington Street to Thirty-eighth Street;~~

SECTION 2. Section 621-122 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended adding the language that is underlined, to read as follows:

Sec. 621-122. – Stopping, standing or parking prohibited at all times on certain designated streets.

It shall be unlawful for the owner, driver or operator of any vehicle to park or stop such vehicle or to permit such vehicle to be parked or to stand at any time, without exception, upon any of the following designated portions of streets in the city:

Post Road, on both sides, from Thirty-eighth Street to Pendleton Pike;

Thirty-eighth Street, on both sides, from Sutherland Avenue to Post Road;

SECTION 3. Section 441-336 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, subsections (1) and (2), are hereby amended by adding the language that is underlined, to read as follows:

Sec. 441-336. – Left-turns prohibited at enumerated locations.

(1) *Left turn prohibited from either street or direction.* At the following intersections, a left turn shall be prohibited at the intersection from either street and approaching from any direction:

Thirty-eighth Street and Winthrop Avenue;

Thirty-eighth Street and Caroline Avenue;

Thirty-eighth Street and Baltimore Avenue;

Thirty-eighth Street and Hillside Avenue;

Thirty-eighth Street and Tacoma Avenue;

Thirty-eighth Street and Temple Avenue;

Thirty-eighth Street and Thirty-eighth Court;

Thirty-eighth Street and Rural Street;

Thirty-eighth Street and Parker Avenue;

Thirty-eighth Street and Dearborn Street;

Thirty-eighth Street and Adams Street;

Thirty-eighth Street and Olney Street;

Thirty-eighth Street and Mill Crossing Drive;

Thirty-eighth Street and Gale Street;

Thirty-eighth Street and Station Street;

Thirty-eighth Street and Denny Street / Denwood Drive;

Thirty-eighth Street and Chester Avenue;

Thirty-eighth Street and Grant Avenue;

Thirty-eighth Street and Colorado Avenue;

Thirty-eighth Street and Linwood Avenue;

Thirty-eighth Street and Drexel Avenue;

Thirty-eighth Street and Wallace Avenue;

Thirty-eighth Street and DeQuincy Street;

Thirty-eighth Street and Riley Avenue;

Thirty-eighth Street and Bancroft Street;

Thirty-eighth Street and Leland Avenue;

Thirty-eighth Street and Butler Avenue;

Thirty-eighth Street and Irvington Avenue;

Thirty-eighth Street and Whittier Place;

Thirty-eighth Street and Lesley Avenue;

Thirty-eighth Street and Audubon Road;

Thirty-eighth Street and Graham Avenue;

Thirty-eighth Street and Elizabeth Street;

Thirty-eighth Street and Englewood Drive;

(2) *Left turns prohibited from specified street or direction.* At the following intersections, a left turn shall be prohibited at the specified intersection when approaching it on the designated street from the designated direction:

AT ANY TIME

Street Vehicle Traveling Upon	Prohibited Intersection and Turn
<u>Thirty-eighth Street, westbound</u>	<u>Sutherland Avenue, southbound</u>
<u>Thirty-eighth Street, eastbound</u>	<u>Kinnear Avenue, northbound</u>
<u>Thirty-eighth Street, westbound</u>	<u>Kinnear Avenue, southbound</u>
<u>Layman Avenue, northbound</u>	<u>Thirty-eighth Street, westbound</u>
<u>Thirty-eighth Street, westbound</u>	<u>Layman Avenue, southbound</u>
<u>Thirty-Eight Street, eastbound</u>	<u>Shadeland Avenue, northbound</u>

SECTION 4. Section 441-338 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding the language that is underlined, to read as follows:

Sec. 441-338. – Required right turn.

All vehicles traveling on the following streets or portions of streets shall make a right turn at the location designated:

- From northbound Winthrop Avenue to eastbound Thirty-eighth Street;
- From southbound Winthrop Avenue to westbound Thirty-eighth Street;
- From northbound Caroline Avenue to eastbound Thirty-eighth Street;
- From southbound Caroline Avenue to westbound Thirty-eighth Street;
- From northbound Baltimore Avenue to eastbound Thirty-eighth Street;
- From southbound Baltimore Avenue to westbound Thirty-eighth Street;
- From northbound Hillside Avenue to eastbound Thirty-eighth Street;
- From southbound Hillside Avenue to westbound Thirty-eighth Street;
- From southbound Tacoma Avenue to westbound Thirty-eighth Street;
- From northbound Tacoma Avenue to westbound Thirty-eighth Street;
- From southbound Temple Avenue to westbound Thirty-eighth Street;
- From northbound Temple Avenue to westbound Thirty-eighth Street;
- From southbound 38th Court to westbound Thirty-eighth Street;
- From northbound Rural Street to eastbound Thirty-eighth Street;

From southbound Rural Street to westbound Thirty-eighth Street;
From northbound Parker Avenue to eastbound Thirty-eighth Street;
From southbound Parker Avenue to westbound Thirty-eighth Street;
From northbound Dearborn Street to eastbound Thirty-eighth Street;
From southbound Dearborn Street to westbound Thirty-eighth Street;
From northbound Adams Street to eastbound Thirty-eighth Street;
From southbound Adams Street to westbound Thirty-eighth Street;
From northbound Olney Street to eastbound Thirty-eighth Street;
From southbound Mill Crossing Drive to westbound Thirty-eighth Street;
From northbound Gale Street to eastbound Thirty-eighth Street;
From northbound Station Street to eastbound Thirty-eighth Street;
From southbound Station Street to westbound Thirty-eighth Street;
From northbound Denny Street to eastbound Thirty-eighth Street;
From southbound Denwood Drive to westbound Thirty-eighth Street;
From northbound Chester Avenue to eastbound Thirty-eighth Street;
From northbound Grant Avenue to eastbound Thirty-eighth Street;
From northbound Colorado Avenue to eastbound Thirty-eighth Street;
From southbound Colorado Avenue to westbound Thirty-eighth Street;
From northbound Linwood Avenue to eastbound Thirty-eighth Street;
From northbound Drexel Avenue to eastbound Thirty-eighth Street;
From southbound Drexel Avenue to westbound Thirty-eighth Street;
From northbound Wallace Avenue to eastbound Thirty-eighth Street;
From southbound Wallace Avenue to westbound Thirty-eighth Street;
From northbound DeQuincy Street to eastbound Thirty-eighth Street;
From northbound Riley Avenue to eastbound Thirty-eighth Street;
From northbound Bancroft Street to eastbound Thirty-eighth Street;
From northbound Leland Avenue to eastbound Thirty-eighth Street;
From southbound Leland Avenue to westbound Thirty-eighth Street;
From northbound Butler Avenue to eastbound Thirty-eighth Street;
From southbound Butler Avenue to westbound Thirty-eighth Street;
From northbound Irvington Avenue to eastbound Thirty-eighth Street;
From southbound Irvington Avenue to westbound Thirty-eighth Street;
From northbound Whittier Place to eastbound Thirty-eighth Street;
From southbound Whittier Place to westbound Thirty-eighth Street;
From northbound Layman Avenue to westbound Thirty-eighth Street;
From southbound Lesley Avenue to westbound Thirty-eighth Street;
From northbound Lesley Avenue to westbound Thirty-eighth Street;
From southbound Audubon Road to westbound Thirty-eighth Street;
From northbound Audubon Road to westbound Thirty-eighth Street;
From northbound Graham Avenue to eastbound Thirty-eighth Street;
From southbound Graham Avenue to westbound Thirty-eighth Street;
From southbound Elizabeth Street to westbound Thirty-eighth Street;
From northbound Elizabeth Street to westbound Thirty-eighth Street;
From southbound Englewood Drive to westbound Thirty-eighth Street;

SECTION 5. Section 441-416 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 441-416 – Schedule of intersection controls.

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
19	38 th Street LaSalle Street	38th Street <u>None</u>	<u>Stop</u> <u>Signal</u>
19	38 th Street Arthington Boulevard	38th Street <u>None</u>	<u>Stop</u> <u>Signal</u>

19	38 th Street Hawthorne Lane	38th Street <u>None</u>	Stop <u>Signal</u>
19	38 th Street Sheridan Avenue	38th Street <u>None</u>	Stop <u>Signal</u>
20	38 th Street Alsace Place	38th Street <u>None</u>	Stop <u>Signal</u>

SECTION 6. Section 621-402(c) of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding the language that is underlined, to read as follows:

Sec. 621-402 – Bus stop and trolley stop zones.

(c) Schedule of bus or trolley stop zones. The zones established pursuant to this subsection shall be established at the following locations:

Bus Stop Zones

Thirty-eighth Street, along the centerline, from a point 96 feet east of the east curb line of Coliseum Avenue (south approach) to a point 171 feet east of the east curb line of Coliseum Avenue (south approach);

Thirty-eighth Street, along the centerline, from a point 159 feet west of the west curb of Orchard Avenue (north approach) to a point 84 feet west of the west curb of Orchard Avenue (north approach);

Thirty-eighth Street, along the centerline, from a point 62 feet east of the east curb of Keystone Avenue (south approach) to a point 137 feet east of the east curb of Keystone Avenue (south approach);

Thirty-eighth Street, along the centerline, from a point 79 feet east of the east curb of Oxford Street (south approach) to a point 154 feet east of the east curb of Oxford Street (south approach);

Thirty-eighth Street, along the centerline, from a point 129 feet of Sherman Drive (south approach) to a point 54 feet west of the west curb of Sherman Drive (south approach);

Thirty-eighth Street, along the centerline, from a point 71 feet east of the east curb of Arthington Boulevard (south approach) to a point 146 feet east of the east curb of Arthington Boulevard (south approach);

Thirty-eighth Street, along the centerline, from a point 139 feet west of the west curb of Emerson Avenue (south approach) to a point 64 feet west of the west curb of Emerson Avenue (south approach);

Thirty-eighth Street, along the centerline, from a point 81 feet east of the east curb of Layman Avenue (north approach) to a point 156 feet east of the east curb of Layman Avenue (north approach);

Thirty-eighth Street, along the centerline, from a point 129 feet west of the west curb of Arlington Avenue (south approach) to a point 54 feet west of the west curb of Arlington Avenue (south approach);

Thirty-eighth Street, along the centerline, from a point 131 feet west of the west curb of Shadeland Avenue (south approach) to a point 56 feet west of the west curb of Shadeland Avenue (south approach);

Thirty-eighth Street, along the centerline, from a point 57 feet east of the east curb of Richardt Street (south approach) to a point 132 feet east of the east curb of Richardt Street (south approach);

Thirty-eighth Street, along the centerline, from a point 74 feet east of the east curb of Franklin Road (south approach) to a point 149 east of the east curb of Franklin Road (south approach);

Thirty-eighth Street, along the centerline, from a point 63 feet east of the east curb of Alsace Place (north approach) to the point 138 east of the east curb of Alsace Place (north approach);

Post Road, along the centerline, from a point 67 feet north of the north curb of Thirty-eighth Street (west approach) to a point 142 north of the north curb of Thirty-eighth Street (west approach);

Post Road, along the centerline, from a point 62 feet north of the north curb of Forty-second Street (east approach) to a point 137 feet north of the north curb of Forty-second Street (east approach);

Post Road, along the centerline, from a point 140 feet south of the south curb of Pendleton Pike (east approach) to a point 65 feet south of the south curb of Pendleton Pike (east approach);

Post Road, along the centerline, from a point 131 feet south of the south curb of Fifty-sixth Street (west approach) to a point 56 feet south of the south curb of Fifty-sixth Street (west approach);

SECTION 7. Section 441-381(a) of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 441-381. - Establishment of bus-only and bus-and-turn lanes.

- (a) The Indianapolis Public Transportation Corporation (hereinafter "IPTC"), ~~after consulting with and obtaining the consent of the department of public works,~~ may establish bus-only and bus-and-turn lanes on its bus rapid transit lines as deemed necessary for the efficient operation of the bus rapid transit line. Before establishing bus-only and bus-and-turn lanes on its bus rapid transit lines, the IPTC must:
 - (1) consult with and obtain the consent of the department of public works, and
 - (2) obtain consent of the city-county council by appropriate resolution or ordinance of the council.
- (b) Bus-only lanes shall be used exclusively for the operation of buses and other vehicles operated by the ~~public transportation corporation IPTC.~~ The driver or operator of any other vehicle shall not drive, stop, stand or park the vehicle upon any bus-only lane.
- (c) Bus-and-turn lanes shall be used exclusively for the operation of buses and other vehicles operated by the public transportation corporation except for other vehicles using the lane for the limited purpose of making a turn to enter or exit a street, highway, alley, private road, driveway, or entrance.
- (d) No restriction under this section shall be applicable until the department of public works shall post reasonable and adequate signs, roadway markings and/or other traffic control devices designating bus-only and bus-and-turn lanes.

SECTION 8. Indianapolis City-County Council hereby authorizes the IPTC to establish bus-only and bus-and-turn lanes on the Purple Line as set forth in Exhibit A, attached hereto.

SECTION 9. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 10. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 11. This ordinance shall be in effect from and after its passage by the Council and compliance with IC § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2020, at _____ p.m.

ATTEST:

SaRita Hughes
Clerk, City-County Council

Vop Osili
President, City-County Council

Presented by me to the Mayor this _____ day of _____, 2020.

SaRita Hughes
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2020.

Joseph H. Hogsett, Mayor