The purpose of the Alabama Chapter of the American Planning Association is to help residents of the State improve the quality of their lives through rational and comprehensive approaches to physical, economic, and human resource planning.

This mission is achieved by: Promoting planning approaches in response to developmental and social opportunities and challenges facing the State; Increasing awareness of the planning process, the planning profession and the benefits that both can bring to the State; Supporting planning education and fostering the growth of professional planners' knowledge and skills; Encouraging the exchange of planning information and experience in Alabama; and Working with other organizations in the State to foster common goals.

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URBAN FORM AND TRAFFIC

Jason Fondren, AICP

In their report "Safe Urban Form: Revisiting the Relationship between Community Design and Traffic Safety," Eric Dumbaugh and Robert Rae use extensive research to shed new light on the traffic safety implications of conventional development. In particular, the authors focus on the safety effects of three planning practices that have become a staple of conventional development: functional classification of roadways, location of retail uses along major thoroughfares, and disconnected residential subdivisions.

Rae and Dumbaugh point out that these practices originated with planners' concerns over the safety of gridiron street networks. Such rigid grids were popular in the 19th century as a means to promote rapid growth—they created an abundance of much sought after corner lots and made all streets equally attractive for development. While highly effective for these purposes, the introduction of the personal automobile exposed weaknesses in the grid street system.

Historical Considerations

Because streets in these early gridiron systems were essentially all the same, each was capable of handling automotive traffic flows more or less equally. This of course led to unwanted traffic volumes and flows in those portions of the grid developed for residential and recreational uses. Planner and landscape architect Frederick Law Olmsted Jr. called for greater attention to planning "major thoroughfares laid out with sole regard for the problems of transportation." In essence, Olmsted had called for different classes of streets—certain

streets to move vehicles and others to provide access to property. Olmsted argued that this would improve safety, operational efficiency and aesthetics. Indeed, his father had established the precedent for this in his work on Central Park, creating limited access streets to move through traffic across the park that were grade-separated from the local streets serving the park and its users. This concept was taken up in an early street design manual *Width and Arrangement of Streets*. The manual referred to the idea of sight distance for motorists and also recommended strategies to discourage undesirable traffic in neighborhoods.

In the late 1930s Clarence Perry and Clarence Stein created neighborhood planning models that would later become conventions of today's American suburb. Perry recommended moving retail and services outside of neighborhoods to major thoroughfares where they may serve the adjoining neighborhoods as well as pass-through traffic. Stein, in his design for Radburn, New Jersey, refined the concept of the neighborhood free from through traffic, by secluding residential uses along a network of cul-de-sacs.

Dumbaugh and Rae posit that "conventional community design" was thus born, following three primary transportation planning concepts:

- the arterial roadway, a new type of thoroughfare, would serve primarily through traffic and would be straight and wide to provide safe sight distances;
- street networks should be designed to prevent traffic in residential areas and to avoid conflicts between opposing streams of traffic through what is known today as access management and in particular preferring T intersections to four-way intersections;
- land uses should be arranged to reinforce these traffic safety concepts; residential uses should be placed along discontinuous local street networks and commercial uses should be positioned along major thoroughfares.

Past Studies

In the subsequent fifty years after this paradigm shift had become institutionalized in contemporary planning and development practices, little empirical research has been performed to evaluate the success of these changes. Dumbaugh and Rae's investigation noted two studies that did in fact assess these practices, both resulting in evaluations favorable of the traffic safety practices of conventional community design. However, the authors note that both studies failed to consider the issues thoroughly. Harold Marks' *Subdividing for Traffic Safety* (1957) found that there were greater crash incidences in gridiron street networks compared to "limited access" communities. Although, the study did not account for the difference in traffic volumes between the two and did not look at traffic safety on the major roadways onto which much of the local traffic of the limited access communities had been pushed. In 1995, Ben-Joseph investigated crash patterns in nine San Francisco Bay area communities. Having accounted for traffic volumes, Joseph found that the rate of crashes per 100,000 vehicle trips still weighed in favor of disconnected street networks though the differences were much closer than was shown by Marks' earlier study. Again, Dumbaugh and Rae found that the San Francisco Bay area study did not take into consideration the impacts of moving so many local trips onto major roads.

Dumbaugh and Rae's Study

Dumbaugh and Rae took on the task of examining traffic safety both within and at the edges of neighborhoods in San Antonio, Texas—by including crash incidence reports on the arterials that, now, normally divide neighborhoods. For their study, the researchers used GIS and a database populated with information from the San Antonio Police Department, the metropolitan planning organization and the Texas Department of Transportation. Their analysis focused on data from 2004-2006. They considered a host of variables such as vehicle miles traveled (VMT), household income, age, population density, type and density of intersections, lengths of freeways and arterials, and the types of commercial uses (arterial-oriented, big box, and

"While disconnecting local street networks and relocating nonresidential uses to arterial thoroughfares can reduce neighborhood traffic volumes, this does not appear to improve safety, but rather substitutes one set of safety problems for another."

Safe Urban Form: Revisiting the Relationship between Community Design and Traffic Safety

Eric Dumbaugh and Robert Rae
pedestrian-scaled). The study defined pedestrian-scaled stores as those of 20,000 square feet or less and an FAR of 1.0 or greater and big box stores as those with 50,000 square feet or more floor area and an FAR of 0.4 or less.

The study's results were compiled revealing how the many variables affected traffic safety. Not surprisingly, where VMT was higher, so were crashes. Four-leg intersections were associated with a "small but significant (0.5%)" increase in total crashes. Increased miles of arterial thoroughfares reflected much higher total crash incidences. While the presence of pedestrian-scaled stores showed a reduction of 2.2% in total crash incidence, arterial-oriented retail and big box stores increased total crashes by 1.3% and 6.6% respectively. Higher population densities corresponded with fewer total crashes. Not surprisingly, the presence of younger and aged drivers were associated with more frequent overall accidents.

Having looked at injurious crashes as a subset of total crash incidence, the results were not strikingly different. But, the presence of older drivers appeared to contribute less, and areas of higher income tended to have fewer injurious crashes. Neighborhoods with pedestrian-scaled retail and commercial and higher population densities showed even greater reduction in injurious crashes in comparison to the overall crash findings.

For fatal crashes, the results skewed from the similarities found between overall and injurious crashes. Street design variables had the greatest impact on the number of fatal crashes while other socioeconomic and land use factors had little influence, whether positive or negative. Each additional mile of arterial roadway within a community increased the number of fatal crashes by 20%. There was less distinction between T and four-leg intersections, and increased presence of intersections actually showed a decrease in fatal crash incidence. It is assumed that the frequency of intersections forces deceleration which in turn reduces the severity of crashes.

Conclusions

The researchers conclude that speed and systematic design error greatly influence traffic safety. The presence of freeways, though with higher design speeds, have little effect on crash incidence due to the lack of traffic conflicts that are experienced on at-grade urban arterials. This is where systematic design error becomes critical, according to the authors. Systematic design error occurs "when the real-world use of a designed environment differs from its intended use in a predictable, nonrandom manner." Such errors are assumed to indicate faulty design.

Of the environmental variables found to have the greatest negative impact on traffic safety, the presence of arterial roadways posed the greatest harm with each mile of arterial roadway corresponding with a 15% increase in the total number
of crashes, 17% increase in injurious crashes, and 20% increase in fatal crashes. Secondly, each big box store increased total crashes by 6.5% and injurious crashes by 4.0%. Dumbaugh and Rae report that such increases have not gone unnoticed. In fact, across the United States, increased crash rates on urban arterials have frequently been addressed by lowering speed limits. Unfortunately, they note that in the absence of aggressive enforcement programs, such efforts have been met with uniformly unsuccessful results.

The design of the roadway, including its interrelationships with the development alongside it, influences driver behavior much more than artificial reduction of posted speed limits.

Other notable findings from Dumbaugh and Rae:

- pedestrian-scaled retail fared better in terms of traffic safety, most likely due to drivers' behaving more cautiously in response to environmental cues
- hybrid street networks with concentrations of T intersections perform better than disconnected, cul-de-sac communities and rigid gridiron street networks
- traffic calming, which was not covered by the study, may help reduce potential for crashes corresponding with four-leg intersections or other network design elements
- while representing a small improvement for an individual neighborhood, higher population densities may have a larger positive effect on larger geographic areas because they tend to be associated with lower VMT.

In summary, the report finds that the presence of arterial thoroughfares in communities tends to increase injurious and fatal crash incidence in communities. The findings appear to support the theory that, while conventional community design practices may have reduced crashes along local residential streets, forcing local travel onto arterials has unintended and dangerous consequences.

Authors recommend three planning practices to improve traffic safety. First, mobility and access functions of arterials must be managed contextually. In suburban areas, access management must be applied although this can create a more problematic environment for pedestrian access. In urban areas, livable streets design strategies should be implemented.

Secondly, retail and commercial uses should be oriented toward lower-speed thoroughfares, either by designing arterials to carry high traffic volumes at moderate speeds—such as the boulevards, avenues and commercial street models developed by the Institute of Transportation Engineers and Congress for the New Urbanism—or through use of internal access lanes within developments to collect and manage traffic flowing to and from adjacent arterials. The report notes that developers have begun designing these internal collectors to function and look more like main streets. Finally, land use, traffic speed and access must be planned at the network level, not at the scale of the individual street or development. The overall findings of the report support hybrid street networks—networks where there is a balance between connectivity (the gridiron) and isolation (the cul-de-sac)—but the authors suggest that intersection controls and traffic calming can improve deficiencies in existing networks.

Jobs for Planners

If you have a job opening, or know of open positions that might be of interest to Alabama Planners, please email them to jfondren@kpsgroup.com or mail them to:

Jason Fondren, AICP
c/o Alabama Planner
2101 First Avenue North
Birmingham AL 35203

There is no charge for placing job postings in the newsletter.

**DIRECTOR OF COMMUNITY DEVELOPMENT & PLANNING**

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ALAPA ELECTIONS

A new Executive Committee took the reins of ALAPA at the chapter business meeting at the 2010 Spring Conference in Tuscaloosa. The new committee will be led by Diane Burnett, Director of Community Development for the South Alabama Regional Planning Commission (SARPC). Burnett, who has been active in the state organization including serving as Vice President since 2006, succeeds outgoing President Johnny Blizzard. Burnett has said that she wants to focus on the professional development function of the organization and use tools such as the ALAPA website to make training opportunities accessible to the greatest number of chapter members. Burnett defeated contender Jeremy Griffith, city planner and GIS administrator for Hartselle, for the chapter office.

On January 11, the Teller Committee—Dave Hunke, Michelle Jordan, and Allen Stover (acting as proxy for Joel Duke)—met, tabulated ballots, and sent an official notice of the election results to acting President Johnny Blizzard. Chapter voting resulted in a tie for the Gulf Coast Section Representative seat between Miriam Boutwell, City Planner for Foley, and Clair Byrd from the Baldwin County Planning and Zoning Department. The Executive Committee voted to put Miriam Boutwell into the office, replacing current representative Andy Bauer of Gulf Shores. Blizzard announced the election results to the chapter in February.

Shortly after the election ended, Treasurer-elect Traycee Verdun announced that she would be moving out of state and would be unable to keep the office. The new executive committee filled Verdun’s open seat with challenger Greg Clark of the Central Alabama Regional Planning and Development Commission (CARPDC), who also teaches with the Alabama Planning Institute’s CAPZO program.

Thanks to the outgoing Executive Committee for their dedication to the chapter and congratulations to the new ALAPA officers and section representatives.
CAREERS HONORED

Jason R. Fondren, AICP

This year, three long-standing Alabama planners received one of the profession's highest honors—they were inducted into the AICP College of Fellows on April 10 during the APA National Spring Conference in New Orleans. William McAllister, William Snowden, and Gary Cooper join 34 other national inductees as the FAICP class of 2010.

Fellowship is granted to planners who have been members of AICP and have achieved excellence in professional practice, teaching and mentoring, research, public and community service, and leadership. FAICP nomination requires membership in AICP for fifteen years, good standing with the Institute, and outstanding contributions to the profession over an extended period of time. Induction into this exclusive group recognizes the achievements of planners as individuals, celebrating the Fellow "before the public and the profession as a model planner who has made significant contributions to planning and society". The College of Fellows is concerned with mentoring and advancement of the planning profession.

In addition to being part of the 2010 class of roughly three dozen Fellows from around the world, McAllister, Snowden, and Cooper join other Alabama planners previously inducted into the College—Darrell Meyer, Bob Juster, Bill Curtis, and Larry Watts. Connie Cooper, now working as a planning consultant out of Texas, received the FAICP honor during and for her work in planning in Alabama.

GARY COOPER, AICP

During his fifty-year career in urban planning, Gary Cooper has contributed to over 300 plans and implementation strategies. He has provided planning services to cities, counties, regional, state and federal agencies, urban redevelopment agencies, community organizations, and private clients. Early in his career, Cooper helped start one of Alabama's first regional councils and South Carolina's Office of Community and State Planning. In 1976, he prepared neighborhood revitalization plans in Jefferson County that would become the foundation of its community development funding priorities for 15 years. He later authored one of the Southeast’s first Industrial Heritage District studies, a four-volume plan describing strategies to capitalize on Birmingham’s industrial

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heritage. According to Connie Cooper, who authored his FAICP nomination, his greatest professional contribution may be his role as planning consultant to Jeffersonville, Indiana. For the past 40 years, Gary has been instrumental in bringing home ownership to those in public housing, transforming poor blighted neighborhoods into well-planned communities with new infrastructure, encouraging the development of affordable housing, and providing recreation facilities—all without displacing families who wished to remain within the neighborhood.

Birmingham landscape architect and long-time associate of Cooper’s, Dale Fritz, ASLA, wrote, “One of the most unique characteristics of this amazing professional and consummate planner is that Gary always seems to work below the radar, simply accomplishing things and doing good deeds every day without the need for praise or recognition. At the wonderful age of 78, Gary is what I would call the ‘quiet oak’ of planning.”

William L. Snowden, AICP

Bill Snowden has been the Director of the Office of Planning and Economic Development in Tuscaloosa since October, 2002. Before moving to Tuscaloosa, Snowden was the Director of Planning and the Assistant City Manager for Albany, Georgia. During his career, he has worked in several southeast cities, serving as Zoning Administrator for the City of Birmingham, Planning Director for Auburn, Alabama and Rock Hill, South Carolina and Executive Director of the Lee Russell Council of Governments. He has also taught planning courses at four universities—Auburn University, the University of Alabama in Birmingham, Jacksonville State University and Winthrop University. From 1994 to 2000, he ran his own planning consulting firm, Snowden and Associates. Snowden received his Bachelor of Arts and Master of Arts degrees from Jacksonville State University and a Master of City Planning degree from the Georgia Institute of Technology.

Over the last eight years, Snowden has taken on several planning initiatives in Tuscaloosa—including multiple neighborhood plans, an urban renewal plan for Downtown Tuscaloosa, and modification of City regulations associated with the plan areas—with the support of city leaders, a strong planning and economic development staff, and consultants including Connie Cooper and KPS Group.

Urban & Regional Planning
Downtown Revitalization
Historic Preservation

Principal Phil Walker’s recently released book on downtown planning can be purchased through the American Planning Association’s Planners Press.

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ntroversy continues to brew over how to fix the mess that is US Highway 280 through Shelby and Jefferson Counties. It seems the debate has been raging forever—or just over 20 years. The ALDOT is pushing for local governments to agree...to their proposed $800 million solution of an elevated toll road east of I-459 and grade-separated, urban interchanges on the western segment through MountainBrook, Vestavia Hills, Homewood and Birmingham. While Hoover has approved, the remaining cities have either rejected it or have not been willing to endorse it until important questions can be answered. How will the plan address mass transit? How will 280 businesses fare? Noise? Will it cause a bottleneck at Red Mountain?

Recently, local NPR affiliate WBHM ran a series of interviews on the subject, including discussions with Brian Davis of ALDOT, Bill Foisy of the Birmingham MPO, Barry Copeland of the Birmingham Business Alliance, other local officials, and some out-of-state experts. Caller input during the interviews was insightful. It seems that WBHM listeners are aware of the root problem. Several area callers remarked that the problems on the highway are self-induced and are the result of a lack of planning. Some opined that adding capacity without other significant changes is a "band-aid". Such criticisms have been cited previously by city and transportation planners referring to the likely problem of induced demand. Still others, such as Rethink 280, maintain that the ALDOT has not seriously considered alternatives. To find out more about the debate, transcripts and audio interviews are available on the WBHM website.
Dear Readers,

As you have probably by now noticed, the newsletter's format has taken yet another turn. Introduction of the landscape orientation and foregoing of the standard double-page spread were not solely aesthetic choices but decisions intended to make viewing—by way of your undoubtedly horizontal computer screen—easier. Thanks, Fred!

We are constantly looking for ways to optimize the exclusively electronic media and probably have much more to do on that end. If you hadn't noticed, in-document, web, and email hyperlinks are included throughout and are indicated by blue text. These should be intuitive but, when in doubt, click. If you have suggestions for us in this endeavor, please email me (hint: click on my name, below).

Jason R. Fondren, AICP
Editor

William McAllister, AICP

Bill McAllister, a practicing planner, researcher, and educator for fifty years, began his career working for regional and county planning agencies in Massachusetts, South Carolina, and Florida before moving into teaching. McAllister took a teaching position at Alabama A&M University in 1982. During his twenty-four years at A&M, McAllister taught a wide variety of courses in urban studies and community planning, served on University boards and committees, conducted research, authored articles for scholarly publications, provided communities with technical assistance through his University Department, and performed work as a consultant.

In 1997, McAllister began a multi-year research initiative regarding the use of Geographic Information Systems (GIS) in planning. Soon McAllister returned to school—this time as a student—to earn a doctorate in Public Administration, during which time he continued his focus on GIS in planning, surveying planning agencies in Alabama, Mississippi, and Tennessee to document to what degree the relatively new technology was being incorporated into regional and community planning. His findings led him to contribute several articles published in the Journal of the Alabama Academy of Science. He has also recently conducted research for NASA, developed materials for a Lorman course on planning in Alabama, and published articles on public involvement in watershed planning, community growth in the absence of zoning, and housing unit change in Huntsville.

Congratulations to Alabama's newest Fellows for their recent honors and thank you for your faithful contributions to the field of planning.
LETTERS TO THE EDITOR

ECONOMIC DEVELOPMENT AND HOME RULE

Recently, the Huntsville Times (3/24/10) announced the culmination of cooperation between the City of Huntsville, the U. S. Army, and a private developer for creation of a billion dollar office park located on 4,000 acres of the Army’s Redstone Arsenal property. This unique partnership is certainly of interest to planners and other public officials, but involvement of the Alabama legislature in the development process is equally unique—and somewhat disturbing. The Times article is accompanied by a summary of the nearly five year planning process including the following: On March 3, 2010, after an 84-0 vote, the Alabama House passed a bill allowing [emphasis added] the City of Huntsville to enter into an enhanced-use lease partnership with LW Redstone, the developer. A week later the governor signed the bill, clearing the way for construction to start on the $1 billion project. Planners and economic developers in home rule states like Florida must be shaking their heads in utter amazement.

Obviously, by the unanimity of the vote the size and scope of the Redstone Arsenal development made it a slam dunk for the legislature. Yet, one has to wonder: How was it decided (and by whom) that the City even required approval of the Legislature to execute an enhanced-lease agreement? What if that someone determined that the approval required a Constitutional amendment? What if this was an industrial site located in the district of someone running against a powerful legislator? Consider the potential for delay and political mischief. Delay and unpredictability can be the death-knell of a development project. Involvement of the legislature in the minutiae of the process makes it ripe for delay and unwarranted political manipulation. How many other minor, but critical development tools are subject to legislative approval? Even worse, no one knows what they are until they are proposed by a local government during industrial recruitment. Imagine the outrage if approval of the U. S. Congress and the President was required for Alabama to execute various agreements with major automakers locating in the state.

This is just one example of the many reasons the Alabama Constitution is in desperate need of revision, including strong home-rule provisions. But, as the old expression goes: It’s easy to find a reason not to do something. Ever notice how politicians opposed to an issue are so adept at predicting what dire things might happen? Legislators opposed to setting a vote allowing delegates to be elected to a Constitutional Convention claim that “special interests” will overly influence the election. Wonder how they would know? Basically, legislators are saying voters can be trusted to do the right thing when it comes to their own election, but not when it comes to choosing delegates to a Constitutional Convention. Of course, there’s always that “straw man” they usually drag out when they want to generate public opposition—taxes will be greatly increased. They haven’t said how or why, but somehow they will. Whatever happened to the old expression-"government closest to the people"-is the best government?

I am urging all planners to stand up and be counted...and get involved.

Fred Peterson
In late 2008, Prattville embarked on a citywide planning process with the help of consultants Urban Collage of Atlanta and Sain Engineering Associates of Birmingham. Over the next year, residents, property and business owners, city officials and staff participated in a series of meetings to develop a new comprehensive plan. The process and the document that emerged became known as Project Prattville. Earlier this year, the city's planning commission adopted Project Prattville. City planner Joel Duke expects the city council to consider approval of the plan sometime in June.

Prattville's previous plan was adopted in 1996 and updated in 1998 with a land use amendment focused on the rapidly growing eastern portion of the city. Both the 1996 plan and later amendment were prepared by Central Alabama Regional Planning and Development Commission. The previous plan document and the newly adopted one are both available on the Project Prattville website, which the city and consultant team used to promote the process and the plan emerging from it. Other documents are available on the website including the various sections of the new plan, meeting notes and supporting documents, such as the market assessment prepared by Market + Main, Inc.

The Project Prattville document includes an overall plan for the city, an "extended future land use plan" for areas three miles beyond the city limits, and more detailed recommendations for eleven focus areas identified during the planning process. In addition, the plan sets forth transportation and community facilities policies and recommended projects. An Action Plan describes a host of projects, programs and investments that together will help the community realize its major goals for development and improving its quality of life.

Duke cited the high level of public participation as one of the aspects of the planning process that was most encouraging. Asked whether he felt the new plan was a big change, Duke felt that it was a step forward in evolving beyond the previous citywide plan. The process was enlightening for the community,
Illustrated development recommendations for one of Prattville’s 11 planning districts

One notion that arose from the process that likely took some by surprise was that the city has an oversupply of land for commercial enterprise, including generous commercial zoning and property that is now or has previously been developed for businesses. This was borne out by the market assessment and led to plan recommendations to "prune" commercial zoning along Prattville's major corridors to enable redevelopment of older commercial properties for other types of uses—uses that will be contextually appropriate and support, rather than draw interest away from, the business areas specified in the plan.

The planning department looks forward to executing the plan. Duke noted implementation tasks for Downtown Prattville that call for transitioning from a public investment-based revitalization strategy—which came out of past downtown planning efforts—to one that focuses more heavily on organization and re-thinking downtown's economic structure. Creating a more sustainable future for the city's historic town center requires a more holistic approach than can be tackled by a merchants association. Prattville may soon pursue the creation of a Main Street program, Duke said.

Another important task for implementing the plan will be reviewing and modifying the city's development regulations. While the city has established general policy in favor of complete streets, there is no formal strategy or set of local standards defining the circumstances under which complete streets would be required or how they are to be designed. Duke also noted that the city must consider economical ways to make existing streets safer and more accommodating of bicyclists and pedestrians. The plan also calls for different mixes of uses in several of the city's planning districts. This calls for a comprehensive overhaul, Duke says, of the city's zoning ordinance. Before that can be completed though, he and his staff will be working on strategic patches to the regulations to enable the kinds of development described in the plan.

Spring Conference Recap

The next issue of the Alabama Planner will be devoted to a comprehensive overview of the 2010 ALAPA Spring Conference in Tuscaloosa. The edition will feature articles on the award winning plans, programs and individuals honored at the conference as well as the impressive list of planning and implementation efforts that have occurred in the conference's host city in the last several years.
SECRETARY RAY LAHOOD HAS established new U.S. Department of Transportation policy committing the agency to walking and bicycling. The statement (printed below) does not, however, create any new requirements for transportation agencies. To find out more about the new policy, visit the USDOT website. The policy was signed on March 11, 2010.

"The DOT policy is to incorporate safe and convenient walking and bicycling facilities into transportation projects. Every transportation agency, including DOT, has the responsibility to improve conditions and opportunities for walking and bicycling and to integrate walking and bicycling into their transportation systems. Because of the numerous individual and community benefits that walking and bicycling provide — including health, safety, environmental, transportation, and quality of life — transportation agencies are encouraged to go beyond minimum standards to provide safe and convenient facilities for these modes."
A League-promoted bill—sponsored by State Representative Cam Ward (R)—to amend the State Code Sec. 11-45-8 would have allowed municipalities more financially reasonable means to publicize municipal planning and zoning-related ordinances. Unfortunately while the House had a second reading of the bill in January, it was indefinitely postponed in the Senate prior to the end of the recent legislative session. Other matters took precedence.

Currently, in accordance with Sec. 11-52-77, municipalities are required to publish zoning amendments in full for one insertion and again as a synopsis in a newspaper of general circulation prior to a governing body’s public hearing on the ordinance. Cities without locally published newspapers are only required to post copies of proposed ordinances in four public locations prior to the governing body’s hearing. The State Code also requires that the ordinance, if adopted, be published again in full as otherwise required for typical local ordinances. This refers to the requirements of Sec. 11-45-8 of the Code, which requires publication in a local newspaper, or in the absence of a newspaper, posting in three public locations. This section allows municipalities in counties where there is a generally distributed newspaper the option of inserting ordinances in that publication.

For example, a mid-sized city in Jefferson County that does not have its own newspaper is technically not required to publish ordinances in the widely read Birmingham News. A particularly odd loophole in Sec. 11-45-8—one that now arbitrarily benefits some communities—allows municipalities with a population less than 2,000 in the 1950 US Census to simply post ordinances. In such cases, newspaper publication is not necessary, even if the city may have had 200,000 people according to the last census.

When updating a zoning ordinance that has not seen significant changes in ten or more years, often a comprehensive update is needed. Unfortunately the cost of publication can be a financial deterrent to making anything but patchwork improvements. Many cities that have zoning ordinances dating back to the early 1990s and prior often only have a hard copy and perhaps a scanned PDF of the ordinance. In addition to the technological revolution that made electronic communication universal, growth management practices have evolved tremendously over the last two decades—both calling for cities to have up-to-date regulations made available on their municipal websites.

Today, when sadly few people read print newspapers and even fewer read the legal notices section, it is clear that these portions of our State Code are out-of-
date as well and need to be brought into the 21st Century. Unfortunately, it did not happen this legislative session. Most cities should have the option of publishing lengthy ordinances on their local newspaper's website (in addition to the city's own) with a synopsis provided in the print version of the newspaper. The synopsis can give direction to readers on acquiring electronic or hard copy versions of proposed ordinances. Length could also be established as a factor to determine whether ordinances must be published in full in a newspaper. If setting publishing requirements based on city size, which assumes smaller communities are less able to afford the cost of publishing or that they are less likely to have (widely read) local newspapers, lawmakers should reference "the most recent" US Census rather than a specific year. In any case, the publishing requirements should be tailored to suit the ways and means we use to communicate information today—which, though it may change in the future, is vastly different from the way it was twenty years ago.

Please encourage your local representatives and the League of Municipalities to push a new bill forward during the next legislative session so that our lawmakers can resolve this seemingly easy-to-fix issue.
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