

City of South Portland Artistic Crosswalk Policy

Section 1. Purpose.

Crosswalks are marked areas where pedestrians can safely cross a roadway. By State statute, 29-A M.R.S. § 2056(4), as may be amended, any vehicle must yield the right-of-way to a pedestrian who has entered a marked crosswalk when a traffic control device is not in operation. It is therefore imperative for public safety purposes that crosswalk placement, markings and usage be done in a uniform way. The purpose of this Policy is to establish clear guidelines in determining where and how to allow artistic crosswalks on public roadways maintained by the City.

Section 2. Definitions.

Artistic crosswalk means a legally marked crosswalk that uses a painted infill and that is designed, located, installed and maintained in accordance with this Policy.

Marked crosswalk means a legal crosswalk that features traffic control markings.

Third party means anyone other than a currently serving South Portland City Councilor.

Section 3. Policy.

It is the policy of the City that crosswalks be installed and maintained in conformance with federal and State laws and policies, including, without limitation, the Maine Department of Transportation's Guidelines on Crosswalks ("MaineDOT Guidelines"), as may be amended. The City's marked crosswalks are not intended to serve as a forum for free expression by the public. The City will not install and maintain an artistic crosswalk on a request from a third party, nor will the City use its marked crosswalks to sponsor the expression of a third party. Artistic crosswalks shall be installed and maintained only as an expression of the City's official sentiments as evidenced by majority vote of the members of the City Council.

Section 4. Design, Location, Materials and Installation.

Artistic crosswalks may be considered for approval by the City Council when designed, located, installed and maintained in accordance with the following criteria.

- (a) Design Criteria.

- (1) Artistic crosswalks must be compliant with MaineDOT Guidelines. Painted surfaces have a lower coefficient of friction and can impact stopping distances, so artistic crosswalks should be well thought out for potential impacts to pedestrians.
 - (2) Artwork shall not contain white, yellow, or red in a way that could be confused as traffic control devices.
 - (3) Artwork shall not contain logos, text, word messaging, or advertising.
 - (4) Artwork shall not contain octagons or triangles, or shapes that could be confused with a traffic control device.
 - (5) The infill design shall not be retro-reflective.
 - (6) Three dimensional (3D) crosswalks are prohibited.
- (b) Location Requirements.
- (1) Artistic crosswalks must be on streets where posted speeds do not exceed 25 mph.
 - (2) Artistic crosswalks must be at a location where there is already a marked crosswalk and traffic is required to stop because of a stop sign or traffic signal.
 - (3) If pavement is in poor condition, materials will not bond; pavement must be in satisfactory condition as determined by the Director of Public Works or his/her/their designee in order to receive approval.
- (c) Materials and Installation.
- (1) MaineDOT recommends the use of temporary chalk paint for artistic crosswalks.
 - (2) Any Street-Grade Paint used must provide a non-slip surface for pedestrians and be non-reflective.
 - (3) Materials used must be approved by the Director of Public Works or his/her/their designee.
 - (4) The City's Public Works Department must install, maintain and remove all artistic crosswalks. Such work will be scheduled to occur at a time that will not delay or inconvenience the regular activities of the Public Works Department.

Section 5. Procedure.

- (a) Artistic crosswalks must be approved by the City Council by adoption of an order prior to their installation. Notwithstanding any provision of the City Council's Standing Rules to the contrary, no City Council workshop is required prior to the adoption of an order relating to the installation of an artistic crosswalk and any City Councilor may request that an item requesting approval of an artistic crosswalk be placed on a Council agenda pursuant to the procedures set forth in City Council Standing Rule 4.
- (b) The City shall not install an artistic crosswalk based on a request from a third party, nor will the City use its crosswalks to sponsor the expression of a third party.
- (c) No order authorizing the installation of an artistic crosswalk shall be acted upon by the City Council until the Police Chief and the Director of Public Works have submitted

written comments to the City Council on the proposal addressing the proposed location, design, estimated costs, estimated installation time, and estimated time of availability of City personnel to install the artistic crosswalk.

Adopted: May 25, 2021