

August 31, 2020

Mr. Mark Schwartz
Arlington County Manager
Via e-mail: mschwartz@arlingtonva.us

RE: Public Sidewalks Ordinance

Dear Mr. Schwartz,

Committee Members

Eric Goldstein, Chair
Chris Yarie, Vice Chair
Pamela Van Hine, Recording Secretary
John Armstrong
Ian Blackwell
Jim Feaster
Elizabeth Gallagher
Gail Ginsburg
Eric Goodman
Tom Kornis
Andrea Walker

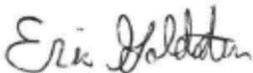
I write to you today on behalf of the Pedestrian Advisory Committee (PAC) to express the committee's concerns regarding the emergency ordinance requiring physical distancing on public sidewalks passed by the County Board last month, and urge you to revise the ordinance before it is adopted in final form.

The ordinance is too broad and vague, and is not focused on the specific issue for which it was passed: Overcrowding of sidewalks by patrons outside of popular bars and restaurants, where social distancing and wearing of face coverings are not practiced consistently:

- Since it calls for pedestrians to “maintain a physical separation from others at all times”, it could potentially fine passing pedestrians on narrow sidewalks, or those waiting at stoplights. As noted in responses in local media, the ordinance can criminalize everyday actions that are challenging to precisely interpret, leading to uneven, selective, or discriminatory enforcement.
- We question why there is no exception for people in the same family, or members of the same household. The Governor's Executive Order 67 (Phase Three Further Easing of Temporary Restrictions Due to Novel Coronavirus) makes exceptions for family members. This ordinance would fine families of four or more from being together on public sidewalks.
- We also question why face coverings are not addressed. In the Governor's Executive Order 63, face coverings must be worn when waiting for public transportation, and when patrons are dining at restaurants outdoors, except when eating and drinking. Shouldn't this apply to all public waiting areas? If pedestrians/patrons are properly wearing face coverings, but cannot maintain social distancing, due to limited sidewalk space will they be subject to fines? Similarly, if people can gather, unmasked, in groups larger than three in a restaurant, in a car, or on someone's front yard, why can they not do so on the sidewalk.
- The ordinance makes no allowance for locations that lack adequate space to properly distance. It puts all the responsibility on the individual pedestrians. The County has taken virtually no actions to provide additional space for people on our streets, sidewalks, and public spaces.

We suggest that this order be revised through a public engagement process, to better target its intended goals. We believe the county must work to come up with creative solutions to this pandemic that involve providing additional pedestrian space, such as temporarily converting parking spaces into waiting areas, and encourage the county to work with businesses to find temporary or permanent solutions to alleviate sidewalk congestion adjacent to popular businesses.

Sincerely,



Eric Goldstein
Chair, Pedestrian Advisory Committee