

**GOSHEN BOARD OF PUBLIC WORKS AND SAFETY
RESOLUTION 2025-11**

**Policy Regulating Surface Treatments on Travel Surfaces,
Statues, and Banners in the Right of Way**

WHEREAS, The City of Goshen endeavors to design, construct, and maintain Travel Surfaces and the right of way, generally, under its jurisdiction in compliance with all applicable statutes, regulations, rules, and other laws, and in a manner that encourages safe travel, free of distractions.

WHEREAS, cities and towns across the country have been approached by groups seeking to apply aesthetic surface treatments, with intricate designs and bright colors of a complex or artistic nature, including messages, murals, and/or other types of artworks, on the Travel Surfaces in the right of way of the cities and towns.

WHEREAS, Indiana Code § 9-21-4-1 requires the City of Goshen to follow the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, ("Indiana Manual") which includes certain standards for Travel Surface treatments specific to allowable colors, geometric patterns, and materials, and the City of Goshen does not wish to confuse or distract motorists or pedestrians with any aesthetic surface treatments not contemplated by the Indiana Manual.

WHEREAS, The City of Goshen believes that the use of aesthetic surface treatments not conforming to the Indiana Manual may cause disruptions, obstructions, and hazards to vehicular and/or pedestrian traffic, potentially effecting the quality of the environment within the City of Goshen.

WHEREAS, The City of Goshen seeks to protect and promote the public health, safety, and welfare of the residents and visitors to the City of Goshen traveling on its Travel Surfaces by prohibiting the use of any aesthetic surface treatments not conforming to the Indiana Manual under its jurisdiction, and by prohibiting the placement of statues and banners within the right of way under its jurisdiction.

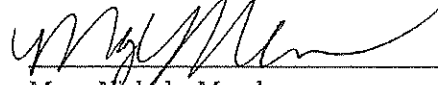
NOW THEREFORE, BE IT RESOLVED that the Goshen Board of Public Works and Safety hereby approves the attached policy Regulating Surface Treatments on Travel Surfaces, Statues, and Banners in the Right of Way, effective July 31, 2025.

[Continued next page.]

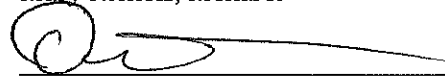
PASSED and ADOPTED by the Goshen Board of Public Works and Safety on July 31, 2025.



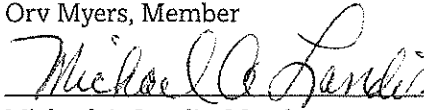
Gina M. Leichty, Mayor



Mary Nichols, Member



Orv Myers, Member



Michael A. Landis, Member

Barb Swartley, Member

CITY OF GOSHEN POLICY
**Regulating Surface Treatments on Travel Surfaces,
Statues, and Banners in the Right-of-Way**

Adopted By: Board of Public Works and Safety
Date Adopted: July 31, 2025
Revised: N/A

Employees Affected: All Departments, Offices, and Employees

Section 1. **Background.**

- A. The City of Goshen endeavors to design, construct, and maintain streets, highways, shared use paths, sidewalks, crosswalks, medians, shoulders, flush or raised islands, alleyways, sidewalk extensions, or any other travel way ("Travel Surfaces") and the right-of-way, generally, under its jurisdiction in compliance with all applicable statutes, regulations, rules, and other laws, and in a manner that encourages safe travel, free of distractions.
- B. Cities and towns across the country have been approached by groups seeking to apply aesthetic surface treatments, with intricate designs and bright colors of a complex or artistic nature including messages, murals, and/or other types of artworks, on the Travel Surfaces in the right-of-way of the cities and towns.
- C. The Federal Highway Administration ("FHWA") periodically approves its Manual on Uniform Traffic Control Devices for Streets and Highways ("MUTCD") as the National Standard for traffic control devices used on all public streets, roadways, bikeways, or private roads open to public travel.
- D. Under Indiana Code § 4-22-2, the Indiana Department of Transportation adopted its Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, ("Indiana Manual"), which must be regularly revised to remain in substantial conformance with the MUTCD.
- E. Indiana Code § 9-21-4-1 requires the City of Goshen to follow the Indiana Manual.
- F. The MUTCD includes certain standards and guidance for Travel Surface treatments that interact with official traffic control devices, specific to allowable colors, geometric patterns, and materials, and the City of Goshen does not wish to confuse or distract motorists or pedestrians with any aesthetic surface treatments not conforming to the MUTCD.
- G. The FHWA establishes that local jurisdictions have the responsibility to ensure the safety of road users where aesthetic surface treatments might interact with and have the potential to interfere with, detract from, or obscure official traffic control devices.

- H. The FHWA also finds that aesthetic surface treatments could encourage road users to interact directly with the artwork or give reason not to vacate a street safely, in an expedient or predictable manner, and that local jurisdictions should focus on the safe mobility and accessible navigation of all road users, including those with disabilities.
- I. The City of Goshen believes that the use of aesthetic surface treatments not conforming to the MUTCD on Travel Surfaces may cause disruptions, obstructions, and hazards to vehicular and/or pedestrian traffic, potentially effecting the quality of the environment within the City of Goshen.
- J. The City of Goshen seeks to protect and promote the public health, safety, and welfare of the residents and visitors to the City of Goshen traveling on its Travel Surfaces by prohibiting the use of any aesthetic surface treatments not conforming to the MUTCD on Travel Surfaces under its jurisdiction, and by prohibiting the placement of banners within the right-of-way under its jurisdiction.
- K. Individuals and groups have approached the City of Goshen seeking to place statues within the public right-of-way, and the City seeks to ensure that any statues so placed fully comply with Americans with Disabilities Act (“ADA”) accessibility standards (2010 ADA Standards for Accessible Design); the safe passage of all pedestrians, including individuals who are blind or visually impaired, through proper placement and detection clearances; and the preservation of unobstructed pedestrian pathways, minimum clear widths, and safety zones.

Section 2. **Surface Treatments.** The City of Goshen, Indiana, shall not allow persons, groups, or organizations to place aesthetic surface treatments on the streets, highways, shared use paths, sidewalks, crosswalks, medians, shoulders, flush or raised islands, alleyways, sidewalk extensions, or any other travel way under the jurisdiction of the City of Goshen, Indiana. Persons, groups, or organizations shall not paint on or place any words, letters, numbers, pictures, illustrations, pictographs, symbols, or advertisements of any kind upon any of the streets, highways, shared use paths, sidewalks, crosswalks, medians, shoulders, flush or raised islands, alleyways, sidewalk extensions, or any other travel way under the jurisdiction of the City of Goshen.

Section 3. **Statues.** The City of Goshen, Indiana, shall not allow persons, groups, or organizations to place any permanent or semi-permanent three-dimensional artwork or commemorative installation (“Statue”) within any right-of-way, shared use paths, alleyways, sidewalk extensions, or any other travel way under the jurisdiction of the City of Goshen, Indiana, unless the following conditions are satisfied:

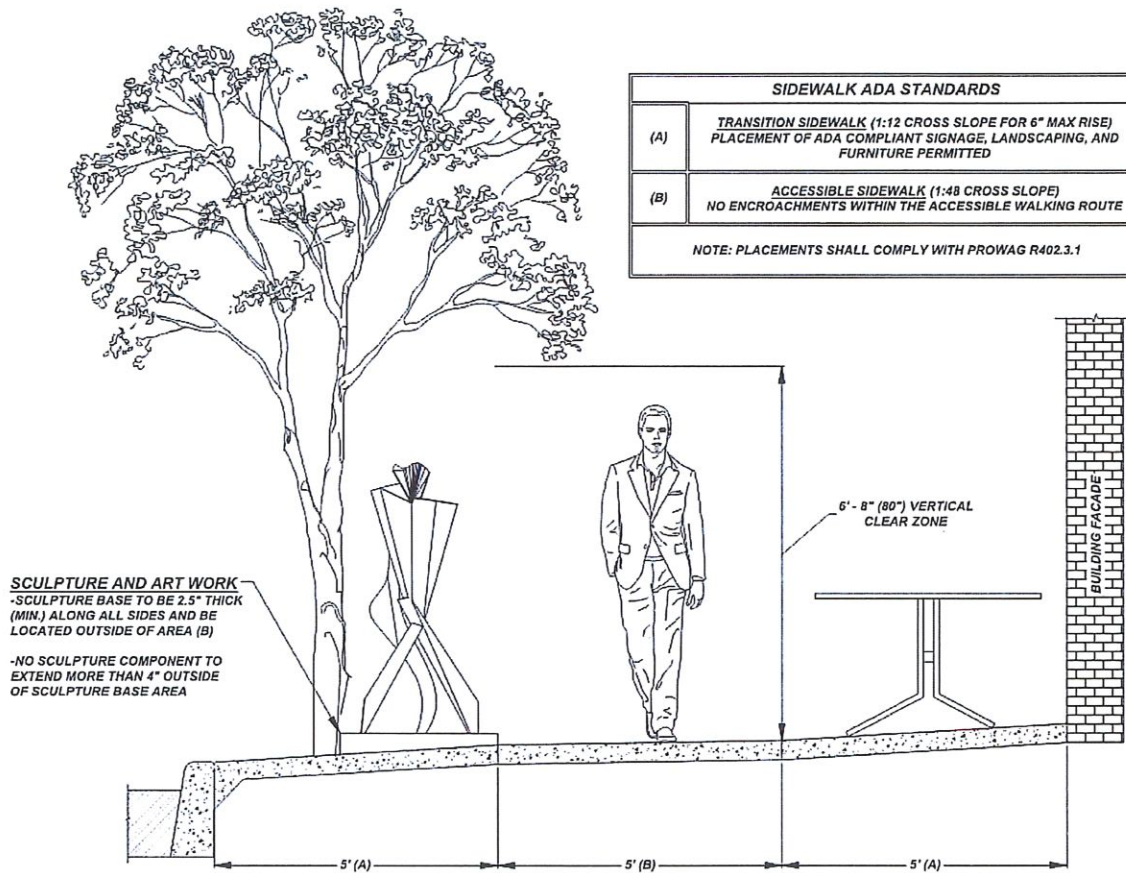
- A. Statues shall not be installed within required Pedestrian Circulation Paths, defined as a continuous unobstructed path connecting all accessible elements and spaces, a minimum of 4 feet (1.2 m) wide, or as dictated by local sidewalk width requirements. Statues should be placed within preferred installation zones, which include:

1. Furnishing zones, tree lawn strips, or setback areas outside of the Pedestrian Circulation Path.
 2. Plazas or designated public art zones with adequate circulation space.
- B. Statues must be cane detectable. Statues shall not be considered cane detectable if: the statue's leading edge is higher than 27 inches (685 mm) above ground level and protrudes into the Pedestrian Circulation Path by more than 4 inches (100 mm) without a detectable base. Strategies to make a statue cane detectable include:
1. Extending the statue to within 27 inches (685 mm) of ground level, or
 2. Installing a permanent barrier or detectable object at least 2.5" in height (e.g., planter or detectable railing) within 27 inches of the ground surface to ensure detection by cane users.
- C. If any part of the statue extends over Pedestrian Circulation Paths, the minimum vertical clearance shall be 80 inches (2030 mm) above the walking surface. For statues with arches, cantilevers, or components crossing over Pedestrian Circulation Paths no components may hang below 80 inches. If vertical clearance is reduced for aesthetic reasons in designated non-circulation spaces, barriers must be installed to prevent pedestrian entry into non-compliant zones.
- D. Statues must be structurally sound and safe. Statues shall be engineered for wind, vibration, and incidental contact loads per local structural codes. Foundations must prevent tipping or movement under foreseeable public interaction. Surfaces shall be free of sharp edges, protruding fasteners, or features causing injury upon contact.
- E. Materials must be durable and corrosion-resistant for long-term public exposure. Statues shall incorporate contrasting finishes or colors to improve visibility for low-vision pedestrians if within or adjacent to Pedestrian Circulation Paths. Statues are subject to periodic inspections for structural integrity and compliance with ADA path clearance.
- F. A depiction of an ADA compliant sidewalk and examples of suitable sculpture placements are attached to this policy.
- G. All statue installations within the right-of-way require review and approval by City Engineering and ADA Coordinator, after submission of detailed site plans indicating statue dimensions, base, placement, and clearances.

Section 4. **Banners.** The City of Goshen, Indiana, shall not allow persons, groups, or organizations to place banners within the right-of-way under the jurisdiction of the City of Goshen, Indiana.

Section 5. **Exception.** The prohibitions contained in this Policy shall not apply to official pavement markings and traffic control devices placed by the City of Goshen, the County of Elkhart, or by the State of Indiana, nor shall it apply to any aesthetic surface treatments placed on streets, highways, shared use paths, sidewalks, crosswalks, medians, shoulders,

flush or raised islands, alleyways, sidewalk extensions, or any other travel way by the City of Goshen, or placed as part of a City of Goshen sponsored program. Nor shall the prohibitions contained in this Policy apply to the placement of banners within the right-of-way by the City of Goshen, or placed as part of a City of Goshen sponsored program.



DOWNTOWN ADA COMPLIANT SIDEWALK LAYOUT

NOT TO SCALE

Examples of suitable sculpture placements:



Providence, R.I. – 62 Dorrance St. – Large mounting base in landscape space outside the walkway



Providence, R.I. – Fountain St. – Artwork within boundary of mount located within walking path.
Artist Carlos Davila. Titled "Sine Wave"



Artwork within ADA detectable base outside of the accessible walkway. Artist Nathan Pierce, Titled "Connected."



Projections extend outside of base but not by more than 4". Artist Keith Haring, Untitled (Three Dancing Figures), Version A, 1989.