

MEMORANDUM

To: Mayor Grover Robinson, IV
Councilmember Sherri Myers

From: Susan A. Woolf, City Attorney



Cc: Council President Jewel Cannada-Wynn
Council Vice President Jared Moore
Councilmember P.C. Wu
Councilmember Andy Terhaar
Councilmember John Jerralds
Councilmember Ann Hill
Keith Wilkins, City Administrator
Kerrith Fiddler, Assistant City Administrator
Don Kraher, Council Executive

Date: May 14, 2020

Re: Traffic calming measures policy and fee

Issues:

This memorandum addresses issues that have arisen concerning speed bumps, signs, and other traffic calming devices near the park on Fairchild Street. The questions I have been asked are:

- (1) Does the policy of the City regarding traffic calming devices have to be approved by City Council?
- (2) Does the fee charged (\$150) for consideration of an application for installation of a traffic calming device have to be approved by City Council?

Answers and Analysis:

- (1) No
- (2) Based on my understanding of the reason for the \$150.00 fee, it does not have to go before City Council for approval.

I have been informed that the Public Works department adopted a policy about 6 years ago to address requests by citizens for installation of traffic calming devices in their neighborhoods. A copy of that policy, which is incorporated in the application itself, is

attached. The policy replaced earlier policies dating back to the 1990s that were in place concerning installation of these devices.

The City Charter provides that the City Administrator is responsible for the daily operations of the City. (Section 5.02, City Charter). Further, the City Council has designated the Mayor and the Traffic Engineer, if one is employed by the City, to be responsible for signage, markers, traffic control devices, parking areas, and the general operations of traffic on city streets. (Sections 11-2-2(a) and 11-2-3(b), City Code).¹

The policy adopted and stated in the traffic calming application serves several purposes: (1) it creates a clearly stated application process; (2) it provides an objective measure for when a traffic calming device, specifically a speed bump, will be installed; (3) it requires a general consensus from the neighborhood that a speed bump is appropriate since people have differing views about whether a speed bump is beneficial to a neighborhood; and (4) it provides for an application fee that is paid by the person(s) seeking the speed bump rather than paid generally by all city taxpayers.

Further, it is my understanding that the \$150.00 application fee charged for the application is a pass-through amount paid to the outside vendor that conducts the required traffic study. The City does not retain any portion of the fee. Thus the fee amount has been set in accordance with the negotiated and agreed to cost charged by the third-party vendor for the traffic study and is not an administrative fee, tax, assessment, or other monetary charge that typically requires City Council approval.

¹ Section 11-2-2(a), Duties and powers of mayor, states in relevant part:

“... The mayor shall further have the power and he is hereby authorized to cause all such necessary signs or markers to be erected or placed on any street or part of a street when he deems such action necessary. It shall also be the general duty of the mayor to determine the installations and proper timing and maintenance of traffic-control devices....”

Section 11-2-3(b), Duties and powers of traffic engineer, states in relevant part:

“It is the general duty of the transportation engineer, or the mayor, if no transportation engineer is appointed, to plan and determine the installation and proper timing and maintenance of traffic-control devices; to plan and direct the operation of traffic on the streets of this municipality, including parking areas; to conduct investigations of traffic conditions; to cooperate with other municipal and state officials and make recommendations for the improvement of traffic movement and conditions, including improvements in streets; and to carry out the additional powers and duties imposed by ordinances of this municipality or as directed by the mayor.”

To Whom It May Concern:

In response to your recent request for information concerning the City of Pensacola's policy on installation of traffic calming devices, enclosed is a copy of the current policy and an official petition form.

As the neighborhood contact person, you are advised to carefully read the policy, requirements, and instructions before moving forward with this petition. Please keep this information packet intact while offering the petition to residents, as each signature indicates that the property owner or lessee has read all instructions and information relating to this petition.

The completed petition should be sent to City of Pensacola, Public Works and Facilities, 2757 North Palafox Street, Pensacola Florida 32501.

If you have any questions concerning the procedures for installation of traffic calming devices please contact Public Works Department at 435-1755.

PETITION FOR INSTALLATION OF TRAFFIC CALMING DEVICES

Purpose: To petition the City of Pensacola with regard to the installation of traffic calming devices for the purpose of alleviating speeding on City roadways.

ALL PERSONS ARE ENCOURAGED TO CAREFULLY READ THE POLICY AND INFORMATION/INSTRUCTIONS PRIOR TO SIGNING THE PETITION.

It is a policy of the City of Pensacola that requests for installation of traffic calming devices will be processed by the Public Works and Facilities Department subject to the following conditions:

1. Petition Process:

- a) Receipt of a petition signed by 75% or more of the owners of property, which abut the roadway on which traffic calming devices are requested (application processing fee - **\$150.00**). Lessees of property, which abut the affected roadway, may sign the petition in lieu of the property owner, if the property owner resides outside of Escambia County. A contact person shall be noted on the petition to act as neighborhood coordinator. For intersections where traffic circles are desired, the petition must include signatures from at least 75% of affected property owners along the intersecting side streets. Staff will determine the geographic limits of where property owners may be reasonably impacted.
- b) Limits of the petition area will be determined by one of the following:
 - a. 1000' or greater in each direction of proposed placement
 - b. Other limits – as defined by city staff
- c) The roadway on which traffic calming devices are requested is a paved roadway. Traffic calming devices may be constructed concurrently with a programmed paving project.
- d) The roadway on which traffic calming devices are requested is not functionally classified as a minor arterial, principal arterial, or a collector road. City staff will also determine whether or not “Rural/Local” roads are eligible for traffic calming devices.
- e) The 85th percentile speed on the roadway which traffic calming devices are requested must be 5 mph or greater than the speed limit set in accordance with §316.189, Florida Statutes.
- f) Streets with Average Daily Traffic volumes exceeding 5000 vehicles per day may require a special evaluation and justification for approval, giving consideration to other alternative measures, where appropriate.
- g) If City staff determines the area is more suitable for and qualifies for a Community Traffic Management Plan an approach based on the subdivision or area layout, a meeting will be held with the stakeholders (HOA, Neighborhood Watch, etc.) to identify the process and cost. These groups will be asked to contribute to the purchase and implementation of the traffic calming devices.

The City of Pensacola shall respond to all petitions for installation of traffic calming devices within 30 days of their receipt. If the petition does not meet the conditions listed above, the City of Pensacola, or designee, shall so notify the contact person in writing.

If the petition meets the conditions listed above, the City of Pensacola, or designee, shall notify the contact person that the petition is valid and that an investigation will be conducted to determine appropriate traffic calming devices for the roadway on which these devices have been requested. This investigation may include field checks, neighborhood input and/or traffic engineering studies. Upon completion of the investigation, the City of Pensacola, or designee, shall set a meeting with affected property owners to discuss traffic calming and to seek consensus on maintenance of a speed hump, speed table or construction of alternative devices (e.g. median islands, traffic circles, lane narrowing, road blocks, directional diverters, multi-way stops signs).

2. Design Criteria:

Traffic calming devices to be constructed on roadways, which are functionally classified as a “local” road and in a residence district, as defined in §316.003, Florida Statutes, shall be designed for speeds of 15, 20, 25 mph. Engineering staff will determine the appropriate design speed based on the conditions for each roadway that is petitioned.

3. Right of Way Acquisition:

Staff is authorized to acquire right of way, which is required to construct traffic calming devices. The amount of right of way required will be based on the minimum needed to accommodate the specific design for each location as prepared by staff. Traffic calming design and associated right of way needs will be discussed during a meeting with affected property owners. Staff will ask property owners to donate real property for right of way in order to expedite the project. IF property owner(s) refuse to donate property, staff will offer the City of Pensacola approved purchase price for the right of way and advise residents that construction will be delayed at least six to eight months. IF affected property owner(s) refuse the purchase offer, staff is authorized to proceed with condemnation by eminent domain to obtain right of way if approved by the City of Pensacola.

Instructions for Completing the Petition:

1. Only one signature per property is counted.
2. Each signatory must be the registered property owner (**based off the Property Tax Appraiser's information**) or a lessee of the address for which he/she is signing if owner is not in Escambia County.
3. Signatures must be legible and supplemented by the printed name of the signatory and date.
4. If a signatory is not the person currently listed as owner on the tax roll (With the exception of a lessee), an explanation as to the signatory's relationship to the property owner is needed. For example, if said property was inherited, but the tax roll does not reflect this change, an explanation of this would be necessary.
5. A contact person to act as a neighborhood coordinator should be noted on the petition. Please include an address, email, and daytime phone number for this individual.

The official petition form enclosed is the only acceptable form for use as a petition.

If something other than a speed hump or speed tables is desired, use the space below your signature to express in writing what device you prefer (Example: traffic circle, median island, road block)

Petitions and Processing Fee to be submitted to:

City of Pensacola
Public Works and Facilities Department
2757 North Palafox Street
Pensacola, Florida 32501

Further inquiries should be made to the Public Works and Facilities at (850) 435-1755