

Chapter 45

TRAFFIC

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ARTICLE XV. NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM ^[11]

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DIVISION 3. SPEED CONTROL PROGRAM

Sec. 45-391. Traffic studies.

The director shall cause or authorize to be conducted a traffic study to complete the preliminary eligibility review of a proposed project on a minor collector street. Unless the director has given preliminary approval for consideration of the project on a publicly funded basis, the director shall determine, and notify the applicant concerning, the scope and type of traffic study to be conducted by the applicant and indicate any additional information required by the director to facilitate review of the proposed project.

Sec. 45-392. Completion of staff review.

(a) All proposed projects on local streets shall be eligible for further consideration and processing in accordance with section 45-393 of this Code.

(b) The director shall determine, based upon all available information regarding a project on a minor collector street, including, without limitation, any traffic study prepared in accordance with section 45-391 of this Code, whether the project is eligible for further consideration and processing in accordance with section 45-393 of this Code. The director shall consider the impact of the following on selected minor collector streets within the neighborhood area in making a determination whether a project is eligible for further consideration and processing in accordance with section 45-393 of this Code:

- (1) Whether at least 15% of observed vehicle speeds on a street are equal to or in excess of the posted speed limit plus three miles per hour or, where there is no posted speed limit, the authorized speed limit pursuant to section 45-91(a)(1) of this Code plus three miles per hour; and
- (2) The presence of any additional special conditions or safety concerns within the approved neighborhood area as determined by the director.

Written notice of the director's determination shall be given to the applicant. Absent demonstrable evidence of a significant change in traffic speeds in the intervening period which would in the director's reasonable professional judgment prompt an earlier review, any project declared ineligible for further consideration pursuant to this section shall not be eligible for reconsideration for the same or a similar project for a period of three years.

Sec. 45-393. Concept plan.

The director shall prepare a concept plan for each project deemed eligible pursuant to section 45-392 of this Code, taking into account all traffic studies and other data and factors developed in accordance with the requirements of this article. Each concept plan shall be reviewed and approved by the fire department before being submitted for public comments.

Sec. 45-394. Public-meeting notice.

(a) ~~Upon approval of the concept plan, a public meeting shall be held to gather public comments. Notice of the meeting shall be given in the same manner and to the same parties as provided in section 45-371 of this Code and written notice, in a form approved by the director, shall be mailed to all property owners and residents within one-half mile of the proposed device. Written notice shall contain a description of the concept plan and a comment card for use by members of the public to address public safety, convenience and traffic issues and to express either support for or opposition to the concept plan. Written notice shall also specify how public comments may be received by city council prior to its consideration of the project.~~

(b) ~~Each notice shall be effective when deposited in the U.S. mail, postage prepaid, addressed to the property owner, resident or representative of a neighborhood association. Failure of any person to receive actual notice of the concept plan shall not affect the validity of any action taken by the city in connection with the project. At the public meeting, comments regarding the concept plan may be made by any interested party. Written comments concerning the plan shall not be considered unless received in the offices of the director or such other place as the director may specify within 14 days after the meeting.~~

(c) ~~On the request of affected residents and property owners within one-half mile of the proposed device, city council shall hold a public meeting to consider implementation of a device. The public meeting shall be conducted by the director, and all requirements and expenses relating to its being conducted shall be borne by the city for requests that receive preliminary approval for further consideration as a publicly funded project pursuant to section 45-368(e)(2) of this Code. For all other requests, the public meeting shall be conducted in all respects at the expense of the applicant, and the director may delegate to the applicant the accomplishment of any one or more of the requirements of this section in accordance with rules and regulations promulgated for that purpose by the director. The applicant shall provide to the director evidence that any requirements so delegated have been fully and properly carried out.~~

(d) ~~Each district council member whose district includes any part of the neighborhood area and any other city council member who so requests shall be notified pursuant to section 45-366 of this Code upon approval of the concept plan.~~

Sec. 45-395. Final review and ranking; recommendation by director.

(a) ~~Following the close of the public comment period provided in section 45-394(b) of this Code, the~~ The director shall evaluate the comments received and modify the concept plan as needed. The director shall either (i) disapprove the concept plan and its underlying request and so notify the applicant in writing; or (ii) approve the concept plan for implementation and so notify the applicant in writing. The director shall give the approved concept plan a priority ranking that shall be used to establish the order in which the various approved projects will be considered for implementation. If the director disapproves the concept plan, and absent

demonstrable evidence of a significant change in traffic speeds in the intervening period which would in the director's reasonable professional judgment prompt an earlier review, the same or a similar project shall not be eligible for reconsideration for a period of three years.

(b) Each concept plan must be tested with a temporary device and receive a recommendation of approval from the director before being submitted to city council for final approval. Unless the project has been approved by the director for public funding assistance, the temporary device shall be placed at the applicant's sole expense. Each concept plan whose priority ranking is sufficient to indicate that public funding will be available to complete the project, if approved, during the current or next succeeding fiscal year and each concept plan for a project to be financed from private funding sources shall receive approval from the director for the construction of a temporary device, in accordance with its priority ranking, provided that the director may approve a temporary device for any ranked project without regard to its priority ranking in order to reflect special or changed circumstances or in order to avoid delay in implementing worthy projects that have not been approved for public funding. No temporary device may be placed without the approval of the director. Temporary devices shall be in place for a testing period of not less than 90 days, provided that the director shall immediately remove a temporary device that is determined to be a threat to public health, safety or welfare. Upon authorization of placement of a temporary device, the device, with appropriate signs, shall be constructed within the neighborhood area in accordance with the approved concept plan.

The director shall review all of the available information regarding the temporary device, including public comments, and either (i) remove or cause to be removed the temporary device and deny all or part of the concept plan or (ii) forward his recommendation for final approval of the concept plan to city council, during which time the temporary device may remain in place. Written notice of the director's action shall be given to the applicant. If the director disapproves the concept plan, in whole or in part, and absent demonstrable evidence of a significant change in traffic volume or traffic patterns in the intervening period which would in the director's reasonable professional judgment prompt an earlier review, the concept plan or disapproved portions thereof may not be resubmitted as any part of a new request for the same or a similar project for a period of three years.

Sec. 45-396. Final action by city council.

(a) All projects recommended for approval by the director as provided in section 45-395 of this Code shall be forwarded to city council accompanied by a summary setting forth in relevant detail the information relied upon in formulating the recommendation, including copies of all timely received written public comments provided as a result of a request for a project.

~~On the request of affected residents and property owners within one-half mile of the proposed device, city council shall hold a public meeting to consider the implementation of a device.~~

(b) The city council shall, by motion, approve or deny the request for the project.

(c) A decision by city council to approve or deny a request shall be final and shall not be subject to further appeal or rehearing. If the city council denies the request, the applicant shall not be permitted to file a new request for the same or a similar project for a period of three years.