T&E COMMITTEE #2
June 15, 2009

MEMORANDUM

June 11, 2009

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Glenn Orlin, Deputy Council Staff Director

SUBJECT: Executive Regulation 32-08, Speed Humps

Bill 48-06 – Streets and Roads, enacted in July 2007, required the County Executive to transmit regulations governing the speed hump program within 12 months. The program's rules and procedures had been included in the Department of Transportation's policy for over 14 years, but the Council believed that most of it should reside in law in the form of an Executive regulation. The expectation was that the Executive would transmit the existing policy in regulation form, but this offered the Executive the opportunity to recommend changes to fine tune some aspects of the policy, which he has chosen to do.

At the Executive's request the Council extended the deadline twice by resolution; the Executive ultimately transmitted a proposed regulation on February 18, 2009. The Executive's transmittal letter is on ©1, the proposed regulation is on ©2-7, and the fiscal impact statement (which states that the regulation has no fiscal impact) is on ©8. On April 14 the Council adopted a resolution extending its deadline for action until June 30, 2009.

Background. The County first installed speed humps during FY95. Over the next two years humps proliferated at a rapid pace, which generated a grassroots group called Save Our Streets to advocate for banning them, which went so far as a Charter initiative to accomplish this goal. Concerns were also raised by fire and rescue officials that humps slowed emergency response and caused damage to their apparatus. Subsequently the Council called for a temporary moratorium on hump installation until the issue could be studied more comprehensively.

Ultimately, in March 1998, the Council responded by directing the Department of Public Works and Transportation to amend the design of humps and tighten the eligibility requirements for the speed hump program. The most important changes were:

- The height of humps was reduced from 3½" down to 3".
- The spacing of humps was to be no closer than 500' apart.
- Humps could be considered only on streets at least 1,000' long.
- "Parabolic" humps—humps that are 12' in length (6' to rise 3" and 6' to fall back to street level), would be installed on secondary residential streets that were neither transit routes nor fire and rescue emergency response routes. They had been installed on several primary residential streets between 1995-1997, and much of the funds programmed for traffic calming over the next two years were spent replacing them with "flat top" humps that were 22' in length (with a 10' flat section between the rise and fall). Flat top humps would be the only type of humps installed on transit and emergency response routes, and on primary residential streets.
- The speed criterion was raised for secondary residential streets. The prevailing speed (85th percentile speed) had been 6 mph over speed limit of 25 mph, but it was raised to at least 7 mph over the limit. The speed criterion for primary residential streets is still at least 9 mph over the limit.
- The volume criterion was raised from 600 vehicles per day (vpd) to 100 vehicles per hour (vph), which is comparable to about 1,000 vpd.
- In addition to requiring 80% concurrence from residences adjacent to the affected street, 50% concurrence would be required from residences in cul-de-sacs whose only access was on the affected street.

DPWT changed their guidelines accordingly. If Council correspondence is any measure of such things, these changes were successful in defusing the speed hump issue. In the last decade the Council has received only a smattering of correspondence either advocating or opposing speed humps. Another measure: when the speed hump regulation was promulgated in December, only one set of comments were received—and they were from Council staff.

Executive's recommendations. Following the age-old homily "if it ain't broke, don't fix it," the Executive's recommendations are in the mode of fine tuning the program, rather than overhauling it. His recommendations address issues that have recurred in the administration of the program without upsetting the delicate balance that has been achieved. Council staff concurs with this general approach.

1. Speed/volume criteria. As noted above, for a street to be eligible for speed humps it must have a minimum volume of 100 vph and have prevailing speeds of at least 7 mph or 9 mph over the speed limit, for secondary and primary residential streets, respectively. The Executive is concerned that some streets with exceptionally high speeding are ruled out of consideration because the total amount of traffic on the street is too low. He is recommending that there be a sliding scale between the speed and volume criteria: for each 1 mph that the prevailing speed exceeds these thresholds, that the volume threshold be reduced by 5 vph, down to as low as 50 vph (©4, fifth bullet under Eligibility Criteria). In the extreme case, therefore, if the prevailing

speed on a secondary residential street is 17 mph over the limit—or 19 mph over the limit on a primary residential street—the volume threshold would drop to 50 vph.

Council staff requested DOT to examine the applications over the past few years to determine how many streets would have been eligible under the proposed sliding scale. DOT staff examined all the applications over the past decade. The results are summarized in the table below, which is derived from the detailed tables on ©9-12.

The data reveals that the Executive's changes would have only increased the eligible applications over the last decade by about 12%, indicating that introducing a sliding scale would not change the delicate balance significantly. Most of the newly eligible applications barely just missed meeting the 1998 criteria, however. Reviewing the data, the Council could achieve much the same goal if it allowed the volume criteria to drop from 100 vph only to 80 vph, rather than to 50 vph. In other words, a much more modest change to the criteria would produce roughly the same result.

Speed Hump Application Over the Past Decade	Secondary Residential	Primary Residential: 25 mph Speed Limit	Primary Residential: 30 mph Speed Limit	**Total**
Met 1998 criteria	137	192	59	**388**
Did not meet 1998 criteria	206	52	7	**265**
More that would have been met under Exec's proposed criteria	27	18	1	**46**
Percent increase	19.7%	9.4%	1.7%	**11.9%**
More that would have been met using 80 vph as a minimum	23	16	1	**40**
Percent increase	16.8%	8.3%	1.7%	**10.3%**

Council staff recommendation: Request that the Executive transmit an amended regulation that would include his recommended sliding scale except that the minimum volume threshold would be reduced from 100 vph to *80 vph*, not to 50 vph.

2. Minor arterials. Section 49-30(b) of the County Code allows for flat-top (22'-long) humps on minor arterials to be spaced no closer than 750' apart, and no closer than 300' from an intersection. DOT was unwilling to include mention of minor arterials in this regulation, since minor arterials have not yet been designated as such in a Master Plan. DOT wants to see which roads would be so designated before crafting regulations. However, the same situation pertained with the Executive's Road Code regulation, in which road design standards for minor arterials were included, even though none have yet to be designated. Furthermore, it would useful to the public and elected officials to know all the rules related to speed humps on minor arterials before they are so designated.

This issue will come to a head this summer, as the Final Draft Germantown Master Plan proposes to designate three roads as minor arterials. The Planning Board is also developing a comprehensive amendment to the countywide Master Plan of Highways that will propose re-designating several arterials and primary residential streets as minor arterials. (It is scheduled to come to the Council in early 2011.)

Council staff recommendation: Request the Executive transmit an amended regulation including the following criteria for minor arterials:

- **Speed threshold: a prevailing (85th percentile) speed at least 11 mph above the speed limit.**
- **Volume: at least 100 vph (same as others), but no sliding scale between speed and volume.**
- **Hump type: flat top (22') humps (same as for primary residential streets).**

3. Principal secondary streets, tertiary streets, and alleys. The current policy has guidelines for speed humps on primary and secondary residential streets, but not on principal secondary streets (an intermediate classification between primaries and secondaries), tertiary streets, and alleys. Since the law now requires that these types of streets be eligible for speed humps, the Executive proposes referencing them in the regulation.

For principal secondary streets the Executive is recommending using parabolic humps (like a secondary) but requiring a prevailing speed of at least 9 mph over the speed limit, allowing for a speed/volume sliding scale (like a primary). **Council staff recommendation: Concur with the Executive.** Using the secondary residential street standard and the primary residential street criteria reflects the nature of this intermediate classification.

For tertiary streets and alleys the Executive is recommending applying secondary residential street standards and criteria: a parabolic hump and requiring a prevailing speed of at least 7 mph over the speed limit, allowing for a speed/volume sliding scale. **Council staff recommendation: Concur with the Executive.**

4. Voting eligibility for "Other Impacted Residences." Approval of a set of humps also requires 50% approval from residences on side streets and cul-de-sacs where the only access is on the affected street. But there have been situations where there are very few residences on side streets and less than 50% of those residences have approved, thus thwarting the desires of the overwhelming majority of residences on the affected street.

The Executive is recommending enfranchising street residences only when they represent at least 30% of the total number of residences with Direct Residential Frontage. Having a cut-off would avoid the situation where relatively few residences would have control over determining concurrence.

Over the past decade there have been only four occurrences where there have been cul-de-sacs or side streets where residences needed to be polled (see ©13). In one case, on Olney Mill Road, there were 114 occupied homes on the affected street, but only three homes on the cul-de-sac. As it turned out, two of the cul-de-sac residences concurred—as did 93, or 81.6%, of the homes on the affected street—so the hump plan was approved. But a change of one vote among the three cul-de-sac residences would have resulted in a rejection of the humps on Olney Mill Road, where the overwhelming majority of affected residents live. The Executive is anxious to avoid such an eventuality.

Council staff recommendation: Concur with the Executive.

5. *Voting eligibility generally.* Since the program was initiated in the mid-1990s, those allowed to vote for or against speed humps have been limited to residents living on affected streets, and (since 1998) residents on side streets and cul-de-sacs where the only access is to cross a hump on the affected street. Elizabeth and George Vary of Bethesda have written in objection to this practice, arguing that other residents in the neighborhood would be impacted by speed humps and so should be enfranchised (©14-20). They propose that the vote be taken from all residents within the affected civic association's boundary (see ©16).

Council staff recommendation: Concur with the Executive. The speed hump program has achieved equipoise since 1998 largely due to the current voting rules. Residents living on an affected street have strong reasons to either approve or disapprove humps for their streets, so sometimes the approval threshold is met, and other times it is not. But if all residents of a neighborhood were allowed to weigh in, then it is unlikely that any more speed humps will be approved.

Furthermore, civic association boundaries are not set in law, and associations have been known to revise their boundaries when it suits the majority interest. There are places where associations overlap. There are even places where associations are created over a single issue. It is not hard to imagine that occurring over a local speed hump issue.

6. *Definitions.* **Council staff recommends re-wording the two definitions at the top of ©4 as follows:**

- Other Impacted Residences – residences on cul-de-sacs or side streets which, as a result of implementation of a Speed Hump Location Plan, would require crossing one or more humps to be reached.
- Direct Residential Frontage – the portion of the front property line of any residential lot or tract which abuts a public street, road, or highway and is not separated from the dwelling unit on the lot or tract by a common space or multi-family parking area.

These changes improve the syntax but do not change the meanings.

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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

February 18, 2009

TO: Phil Andrews, President
County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Proposed Executive Regulation 32-08 – Speed Humps

The purpose of this memorandum is to transmit for the County Council's approval proposed Executive Regulation 32-08 – Speed Humps. This regulation will implement the provisions of County Code Section 49-30 (b), "Traffic Calming" which was added by the County Council to codify the County's existing traffic calming and speed hump program administered by the Department of Transportation

Currently the Department of Transportation utilizes policies and procedures that were put into place following the early 1990's moratorium on speed humps in order to establish a rational and objective set of criteria for the installation of speed humps. This regulation clarifies, updates, and formalizes these policies and procedures, including modifying the eligibility requirements consistent with the objectives of the revisions of County Code Section 49.

The regulation was published in the December 2008 register and comments were received from County Council staff. The regulation has been modified to incorporate these comments as appropriate. If you have any questions or concerns related to this regulation, you may contact Fred Lees at 240-777-2196.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
Speed Humps	32-08
Originating Department	**Effective Date**
Montgomery County Department of Transportation	

Montgomery County Regulation on:

Speed Humps

DEPARTMENT OF TRANSPORTATION

Issued by: County Executive
Regulation No. 32-08

Authority: Montgomery County Code, §49-30
Supersedes: none
Council Review: Method (2) Under §2A-15
Montgomery County Register Volume 25, Issue 12

Comment Deadline: December 31, 2008
Effective Date:

SUMMARY: This regulation sets criteria for the consideration of speed humps and also sets forth the procedure for citizens of Montgomery County to request the installation of speed humps on eligible County roads.

ADDRESS: Department of Transportation
Division of Traffic Engineering and Operations (DTEO)
101 Orchard Ridge Road, 2nd Floor
Gaithersburg, Maryland 20878

STAFF CONTACT: Chief, Division of Traffic Engineering & Operations
(240) 777-2190

BACKGROUND: Montgomery County Code (2004), as amended (the "Code") §49-30 Traffic Calming (b) authorizes the installation of speed humps on publicly owned or dedicated and maintained roads in the County within established guidelines as set forth in the Code. The purpose of this Executive Regulation, promulgated under Chapter 8, §3 of 2007 Laws of Montgomery County, is to establish the method by which speed humps may be requested, how requests will be reviewed and if meeting certain qualifications set forth herein and in accordance with the County Code, built. This is in furtherance of the County's Traffic Calming Program with the goal of enhancing neighborhood traffic safety and maintaining livable residential environments.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
Speed Humps	32-08
Originating Department	**Effective Date**
Montgomery County Department of Transportation	

Speed humps are an effective and self-enforcing technique for calming excessive traffic speeds. However, they have consequences that may impact a community as a whole. Speed humps may increase the response time for emergency vehicles and may result in traffic diverting to other roadways in the community. The Regulation establishes the procedure for communities to present their request for speed hump installation to the County's Department of Transportation, and ensure that the entire community is involved in the process allowing residents who may be directly affected to vote on whether installation will take place.

DEFINITIONS:

- "Parabolic" speed hump – a physical traffic calming device made of bituminous asphalt that is 12' in length (consisting of a uniform parabolic shape), and has a nominal height of 3" at its highest point.

- "Flat Top" type speed hump – a physical traffic calming device made of bituminous asphalt that is 22' in length (consisting of a 6' inclined ramp section, 10' foot raised flat section, and 6' declining ramp section), and has a nominal height of 3" at its highest point.

- Speed Hump Location Plan – a sketch or diagram showing the location of speed humps and other associated traffic controls in relation to intersections, driveways, inlets, and property lines.

- Intersection – for purposes of this regulation, defined as a junction of two or more roadways which includes stop, yield or signal controls on the roadway under consideration for speed hump installation.

- Operating Speed (85th percentile) - that speed at which 85 percent of a measured sample of vehicles travels at or below; this is the most commonly used statistic to evaluate operating speeds on a particular roadway

- Traffic Volume - the total volume of two-way traffic over a period of one hour (i.e., four consecutive 15 minute periods) during one 24-hour period.

- Community Association - Any incorporated or unincorporated common ownership or civic association which represents the interests of the subdivision in which the street being considered for humps is located.

- Neighborhood Traffic Committee – an ad hoc group of residents formed in the absence of an active Community Association which represents the interests of the subdivision in which the street being considered for speed humps is located.

- Designated Community Contact Person ("DCCP")- the primary neighborhood contact person designated by a Community Association or Neighborhood Traffic Committee.

- Department – Department of Transportation

- Other Impacted Residence - residences on cul-de-sacs or side streets who, as a result of implementation of the plan, will be required, with no alternative, to cross one or more speed humps in order to reach their residence

- Direct Residential Frontage – The portion of the front property line of the residential lot, lots or tract of land abutting a public street, road or highway not separated from the dwelling unit(s) thereon by a common space or multi-family parking area

PROCEDURE:

Speed Humps for Roads Classified as Primary Residential, Secondary Residential, Principal Secondary Residential, Tertiary and Alley

1. **Eligibility Criteria**

No street segment will be considered to be eligible for speed humps unless all of the following criteria are met:

- Properties must have Direct Residential Frontage on the street segment
- Average Lot Size must be two acres or less
- Speed Limit must be either 25 or 30 MPH.
- Operating Speed, as measured by the Department, must be at least:
  - 7 miles per hour above the speed limit on secondary residential streets, tertiary residential streets and alleys
  - 9 miles per hour above the speed limit on primary residential streets or principal secondary residential,
- Traffic Volumes must be a minimum of 100 vehicles in a one hour period. For every 1 MPH the Operating Speed is above the minimum threshold for qualifying, the corresponding minimum vehicular volume will be reduced by 5 vehicles to no lower than 50 vehicles in a one hour period. For example: on a secondary residential road with a 25 MPH speed limit and an Operating Speed of 37 MPH the minimum vehicular volume would be 100- [(37-32) x 5] = 75 vehicles in a one hour period.
- Minimum length of road segment shall not be less than 1,000 feet and is uninterrupted by stop, yield or signal control

2. **Request and Evaluation Process**

Requests for speed humps for the road classifications as listed above must be submitted in writing on behalf of the community by either the president of a Community Association or by the chairperson of

a Neighborhood Traffic Committee.

The request must be in writing and include all of the following:

- A clear statement of the time of day which the community believes the street has the highest traffic volume and speed.
- The Designated Community Contact Person (the "DCCP") for the association or committee including names, addresses, telephone numbers and e-mail addresses of the DCCP. The DCCP will be the primary contact for the community.
- The request must be mailed, first class, postage prepaid to: Chief, Division of Traffic Engineering and Operations ("DTEO"), 101 Orchard Ridge Drive, 2nd Floor, Gaithersburg, Maryland 20878, or if sent by e-mail to mcdot.TrafficOps@montgomerycountymd.gov.

After receipt of a request for installation of speed humps submitted by the Community Association or the Neighborhood Traffic Committee, the DTEO will perform a traffic study to determine if the roadway segment meets the eligibility criteria. Upon completion of the study, DTEO will notify the requestor in writing of the results of the evaluation, and if warranted, a speed hump location plan will be developed.

3. **Speed Hump Location Plan**

Section 49-30 (b) of the County Code, with respect to type of hump and spacing requirements will be applied to the speed hump location plan, as follows:

A. Type

- "Parabolic" type speed humps will generally be used on streets classified as Principal Secondary, Secondary Residential, Tertiary Residential, and Alley.
- "Flat top" type speed humps will be used on streets classified as Primary Residential, and any street that is a primary emergency response route or full-time transit route, regardless of classification.

B. Spacing requirements – speed humps must be installed not less than 500' from any other speed hump, and 200' from any controlled intersection.

C. Any other physical factor determined by DTEO to be considered from a public safety or traffic

engineering perspective, including but not limited to:

a. Any requirements of any applicable safety code;

b. Physical factors, such as steep grades, curves, safe sight lines, proximity of existing or planned driveways, storm water structures, etc.

4. **Resident Involvement/Concurrence**

A public meeting must then be held by the Community Association or Neighborhood Traffic Committee. DTEO will fabricate and install signs advertising the meeting, and will attend the public meeting to provide technical support to the Community Association or Neighborhood Traffic Committee. The purpose of the meeting will be to address residents' questions and concerns about speed humps and explain the resident concurrence process.

Not later than thirty (30) calendar days after the public meeting, the DCCP must notify DTEO whether they wish to proceed with the plan. If DTEO does not receive notice within the established time period, the project will be terminated.

Not later than forty-five (45) calendar days after DTEO's receipt of the notice to proceed from the DCCP, DTEO will finalize the location plan and prepare the Official Resident Concurrence Forms, and provide same to the DCCP for the resident concurrence process. The finalized plan, along with the Official Resident Concurrence Forms, must be circulated by the Community Association or Neighborhood Traffic Committee, to the residents for the concurrence process. The signed completed Official Resident Concurrence Forms must be returned to DTEO not later than ninety (90) calendar days following their issuance. The forms must be accompanied by a letter, first class, postage prepaid to: Chief, Division of Traffic Engineering and Operations 101 Orchard Ridge Drive, 2nd Floor, Gaithersburg, Maryland 20878, stating the formal endorsement of the speed humps by the Community Association or Neighborhood Traffic Committee.

The following levels of concurrence, as determined by DTEO, must be received for final approval of the speed hump installation:

- not less than 80% of the residences (one signature per occupied household), either single family or multifamily, who have Direct Residential Frontage along the road segment under consideration; and

- not less than 50% of the Other Impacted Residences (one signature per occupied household), only if the number of the Other Impacted Residences is more than or equal to 30% of the residences on the road segment. For example: if the road segment under consideration has 100 residences, there must

be at least 30 Other Impacted Residences in order for them to be polled.

If all criteria are met DTEO will issue a final approval and installation of the speed humps will be scheduled. The request will be terminated if either the Official Resident Concurrence Forms are not returned to DTEO by the ninety (90) days deadline, or DTEO determines that concurrence levels as described above are not met.

Any roadway segment that does not meet the eligibility criteria, or for which a speed hump request was terminated due to failure to meet established deadlines or necessary concurrence levels, will not be eligible for reconsideration for a period of two years.

GENERAL NOTES:

1. Road/street classification will be as per the latest approved and adopted Master/Sector plan for the planning area where the road is located.

2. Mandatory traffic signs and pavement markings will accompany speed humps.

3. The Chief of the DTEO shall make the final determination as to which properties are considered to have Direct Residential Frontage and are to be included in the concurrence process based on the standards in this Regulation.

4. Installation of speed humps by DTEO after approval may take up to one year after the concurrence process based on a variety of factors, including construction season timing, contractor availability, scheduling of other work activities, availability of funding, etc. For concurrence processes that are completed by June of any given year, DTEO will attempt to install the speed humps within the immediate construction season. Concurrence processes completed after June may result in installation in the following construction season (typically beginning in April of the following calendar year).

Approved as to form and legality:

Eileen T. Basuman

Office of the County Attorney

Approved:

Isiah Leggett

Isiah Leggett,
County Executive

Revised 4/96

OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

November 18, 2008

TO: Joseph F. Beach, Director
Office of Management and Budget

VIA: Ed Piesen, Acting Management and Budget Manager

FROM: Adam Damin, Management and Budget Specialist

SUBJECT: Executive Regulation -32-08, Criteria for Installation of Speed Humps on County Roads

REGULATION SUMMARY

The proposed regulation is to implement the provisions of the County Code Section 49-30(b), "Traffic Calming" which was added by the County Council to codify the County's existing traffic calming and speed humps program administered by the Department of Transportation. The regulation modifies and formalizes the policies and procedures currently in use.

FISCAL SUMMARY

This executive regulation will not have a fiscal impact on the County.

Fred Lees of the Department of Transportation contributed to this analysis.

jfb:ep

cc: Timothy L. Firestine, CAO
Kathleen Boucher, Assistant Chief Administrative Officer
Caroline Darden, CAO
Brady Goldsmith, OMB
Ed Piesen, OMB
Adam Damin, OMB

OMB REVIEW

✓ Fiscal Impact Statement approved _____ **OMB Director**

_____ Fiscal Impact Statement not approved, OMB will contact department to remedy.

Secondary Residential Streets

SPEED LIMIT 25

Under 1998 guidelines:

The 85th% Speed (Operating Speed) must be at least 32 mph (SL+7 for Sec Res streets), and
The vehicular volume must be at least 100 vehicles during the same 1-hr period.

Under the Proposed Executive Regulation:

The minimum speed requirement would continue to apply, and - at that speed - the 100 vph minimum volume requirement would continue to apply.
However, for each additional 1 mph of Operating Speed, the min. vehicular volume would be reduced by 5 vehicles to no lower than 50 vehicles in a 1-hr period.

85th% speed	Total records	Volume range	100 vph or more	Less than 100 vph	95-99 vph	90-94 vph	85-89 vph	80-84 vph	75-79 vph	70-74 vph	65-69 vph	60-64 vph	55-59 vph	50-54 vph	Less than 50 vph	Totals
15	1	157														
19	1	7				Less than 32 mph: Not Justified under 1998 criteria or Proposed criteria.										
20	0	NA				Under both the 1998 criteria and the Proposed criteria, streets where										
21	3	8-137				85th% speed = 32 mph are justified if the volume is 100 vph or greater.										
22	9	4-68														
23	9	15-116														
24	15	19-386														
25	31	7-175														
26	27	8-274				Not justified under the 1998 criteria. Justified under Proposed criteria.										
27	40	9-298														
28	45	12-770														
29	71	20-379		Justified under the 1998 criteria												
30	55	19-243														
31	64	10-211														
32	67	13-315	23	44	1	7	2	3	2	3	1	1	2	6	16	**0**
33	57	16-191	15	42	**3**	4	3	2	2	1	4	3	3	3	14	**3**
34	60	9-364	24	36	**1**	**3**	4	1	2	1	1	5	5	2	11	**4**
35	43	36-290	19	24	0	**2**	0	3	3	2	3	0	4	1	6	**2**
36	27	15-236	12	15	**1**	**1**	0	**2**	0	0	2	0	2	3	4	**4**
37	26	23-647	13	13	**2**	0	0	0	0	0	0	1	2	0	8	**2**
38	25	37-299	8	17	**3**	0	**1**	0	0	0	0	2	7	1	3	**4**
39	17	30-235	8	9	**2**	**1**	**1**	0	0	**1**	0	2	0	0	2	**5**
40	6	68-173	5	1	0	0	0	0	0	0	**1**	0	0	0	0	**1**
41	3	37-347	1	2	0	0	0	0	0	**1**	0	0	0	0	1	**1**
42	1	46	0	1	0	0	0	0	0	0	0	0	0	0	1	**0**
43	2	71-106	1	1	0	0	0	0	0	**1**	0	0	0	0	0	**1**
44	3	28-139	2	1	0	0	0	0	0	0	0	0	0	0	1	**0**
45	2	123-125	2	0	0	0	0	0	0	0	0	0	0	0	0	**0**
46	2	107-161	2	0	0	0	0	0	0	0	0	0	0	0	0	**0**
55	1	247	1	0	0	0	0	0	0	0	0	0	0	0	0	**0**
57	1	167	1	0	0	0	0	0	0	0	0	0	0	0	0	**0**
32+ mph	343		137	**206**	13	18	11	11	9	10	12	14	25	16	67	
Totals: Not Justified (1998), but Justified (proposed)					**12**	**7**	**2**	**2**	**0**	**3**	**1**	**0**	**0**	**0**	**0**	**27**

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Summary

343 Met the 1998 Speed criterion (SL+9 or greater)

137	Also met the 1998 Volume criterion
206	Met the 1998 Speed criterion, but not the 1998 Volume criterion
27	of the 206 would have met the Proposed criteria

10

Assessment of impact of proposed revision of speed-volume criteria on the number of justified street segments

Primary Residential Streets
with SPEED LIMIT 25

Under 1998 Policy

The 85th% Speed (Operating Speed) must be at least 34 mph (SL+9 for Pri Res streets), and
The vehicular volume must be at least 100 vehicles during the same 1-hr period.

Under the Proposed Executive Regulation

The minimum speed requirement would continue to apply, and - at that speed - the 100 vph minimum volume requirement would continue to apply.
However, for each additional 1 mph of Operating Speed, the min. vehicular volume would be reduced by 5 vehicles to no lower than 50 vehicles in a 1-hr period.

85th% speed	Total records	Volume range	100 vph or more	Less than 100 vph	95-99 vph	90-94 vph	85-89 vph	80-84 vph	75-79 vph	70-74 vph	65-69 vph	60-64 vph	55-59 vph	50-54 vph	Less than 50 vph	Totals
23	1	33														
24	0	NA				Less than 34 mph: Not Justified under 1998 criteria or Proposed criteria.										
25	2	239-427				Under both the 1998 criteria and the Proposed criteria, streets where the										
26	2	38-46				85th% speed = 34 mph are justified if the volume is 100 vph or greater.										
27	6	20-376														
28	6	24-110														
29	11	67-208														
30	18	53-444				Not justified under the 1998 criteria. Justified under Proposed criteria.										
31	17	43-481														
32	21	29-481	Justified under the 1998 criteria													
33	33	32-611														
34	41	46-422	34	7	0	1	0	1	2	0	1	0	1	0	1	**0**
35	40	24-464	34	6	**1**	0	1	0	0	0	0	2	1	0	1	**1**
36	40	46-618	30	10	**1**	**2**	1	1	1	0	2	0	0	1	1	**3**
37	46	46-566	35	11	**1**	0	**3**	1	3	1	1	1	0	0	0	**4**
38	32	50-674	25	7	0	0	**2**	**1**	2	0	0	0	1	1	0	**3**
39	19	51-270	13	6	0	0	**2**	0	**1**	0	2	0	0	1	0	**3**
40	8	87-155	7	1	0	0	**1**	0	0	0	0	0	0	0	0	**1**
41	6	83-259	5	1	0	0	0	**1**	0	0	0	0	0	0	0	**1**
42	4	45-120	2	2	0	0	0	0	0	**1**	0	0	0	0	1	**1**
43	3	92-125	2	1	0	**1**	0	0	0	0	0	0	0	0	0	**1**
44	3	105-386	3	0	0	0	0	0	0	0	0	0	0	0	0	**0**
45	1	111	1	0	0	0	0	0	0	0	0	0	0	0	0	**0**
46	1	289	1	0	0	0	0	0	0	0	0	0	0	0	0	**0**
34+ mph	244		192	**52**	3	4	10	5	9	2	6	3	3	3	4	
Totals: Not Justified (1998), but Justified (proposed)					**3**	**3**	**8**	**2**	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**18**

Summary

244 Met the 1998 Speed criterion (SL+9 or greater)
- 192 Also met the 1998 Volume criterion
- 52 Met the 1998 Speed criterion, but not the 1998 Volume criterion
- 18 of the 52 would have met the Proposed criteria

Assessment of impact of proposed revision of speed-volume criteria on the number of justified street segments

Primary Residential Streets
with SPEED LIMIT 30

Under 1998 Policy

The 85th% Speed (Operating Speed) must be at least 39 mph (SL+9 for Pri Res streets), and
The vehicular volume must be at least 100 vehicles during the same 1-hr period.

Under the Proposed Executive Regulation

The minimum speed requirement would continue to apply, and - at that speed - the 100 vph minimum volume requirement would continue to apply.
However, for each additional 1 mph of Operating Speed, the min. vehicular volume would be reduced by 5 vehicles to no lower than 50 vehicles in a 1-hr period.

85th% speed	Total records	Volume range	100 vph or more	Less than 100 vph	95-99 vph	90-94 vph	85-89 vph	80-84 vph	75-79 vph	70-74 vph	65-69 vph	60-64 vph	55-59 vph	50-54 vph	Less than 50 vph	Totals
27		38														
28		132				Less than 39 mph. Not justified under 1998 criteria or Proposed criteria.										
29		27-191				Under both the 1998 criteria and the Proposed criteria, streets where the										
30		72-139				85th% speed = 39 mph are justified if the volume is 100 vph or greater.										
31		88-515														
32		121-551														
33		76-743														
34		67-330				Not justified under the 1998 criteria. Justified under Proposed criteria.										
35		46-351														
36		108-378		Justified under the 1998 criteria												
37		73-421														
38		35-478														
39	15	87-598	14	1	0	0	1	0	0	0	0	0	0	0	0	**0**
40	16	70-999	13	3	**1**	0	1	0	0	1	0	0	0	0	0	**1**
41	9	72-630	8	1	0	0	0	0	0	1	0	0	0	0	0	**0**
42	9	53-503	8	1	0	0	0	0	0	0	0	0	0	1	0	**0**
43	5	137-315	5	0	0	0	0	0	0	0	0	0	0	0	0	**0**
44	2	159-250	2	0	0	0	0	0	0	0	0	0	0	0	0	**0**
45	4	111-222	4	0	0	0	0	0	0	0	0	0	0	0	0	**0**
46	3	51-150	2	1	0	0	0	0	0	0	0	0	0	1	0	**0**
47	1	168	1	0	0	0	0	0	0	0	0	0	0	0	0	**0**
48	0	NA	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
49	0	NA	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
50	2	114-303	2	0	0	0	0	0	0	0	0	0	0	0	0	**0**
39+ mph	66		59	**7**	1	0	2	0	0	2	0	0	0	2	0	
Totals: Not Justified (1998), but Justified (proposed)					**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**

Summary

66 Met the 1998 Speed criterion (SL+9 or greater)
- 59 Also met the 1998 Volume criterion
- 7 Met the 1998 Speed criterion, but not the 1998 Volume criterion
- 1 of the 52 would have met the Proposed criteria

	Conc Forms Returned:	3/1/2007	11/19/2003	10/9/2001	10/8/2001
	Street Name	Olney Mill Rd	Deborah Dr	Olney Mill Rd	Owens Rd
	between	Wickham Rd	Larkmeade La	MD 108	MD 97
	and	MD 108	Lochinver La	Islander St	Old Balt. Rd
Main Street group	Total Residences	**43**	**24**	**116**	**28**
	Vacant	0	0	2	0
	Occupied	43	24	114	28
	Support	40	20	93	24
	Oppose	3	4	21	4
	% Support	**93.0%**	**83.3%**	**81.6%**	**85.7%**
	Min. % required	80%	80%	80%	80%
	Status	Met Criterion	Met Criterion	Met Criterion	Met Criterion
"Landlocked" Side Street group	Total Residences	87	92	3	148
	Vacant	0	0	0	0
	Occupied	87	92	3	148
	Support	64	46	2	108
	Oppose	23	46	1	40
	% Support	**73.6%**	**~~50.0%~~**	**66.7%**	**73.0%**
	Min. % required	50%	50%	50%	50%
	Status	Met Criterion	~~Met Criterion~~	Met Criterion	Met Criterion
Revised Tally for "Landlocked" Side Street residences (after we disqualified a vote that had been cast in support of the speed hump proposal) [1]For details, see explanation below.	Total Residences		92		
	Vacant		0		
	Occupied		92		
	Support		45		
	Oppose		46		
	% Support		**48.9%**		
	Min. % required		50.00%		
	Status		Criterion NOT Met		
	OUTCOME	**Approved & Installed**	**Not Approved**	**Approved & Installed**	**Approved & Installed**
	Comments			[2](See below)	

[1]Resident had moved away approximately 12 weeks prior to the deadline for returning the completed concurrence forms. DPWT discovered this after the deadline had expired, when the current resident contacted us to demand an opportunity to vote against the proposal. After retrieving home sales records that serve as supporting documentation, DPWT disqualified the vote from the former resident. DPWT denied the new resident's request to vote because the voting deadline had already expired, and he appeared to be aware of the deadline before it expired. This was a moot point however, because the "side street" concurrence level would be less than 50% no matter what:
If the new resident were given a vote, the tally would be 45-Support, 47-Oppose, a concurrence level of 48.9%.
If his residence were considered to be "No vote received", it would have the effect of an opposition vote (it wasn't concurrence)
If his residence were excluded, it would reduce the number of voting "side street" residences to 91. 45 Supporters would be 49.45%.
Main street support was sufficient but "side street" support was not, so DPWT did not approve the proposal.

[2]Even if there was support from 100% of the 116 Main Street residences, it would only take opposition of 2 of the 3 "side street" residences to over-ride them. More realistically, had one of the support votes been a vote of opposition instead, DPWT would have disapproved the project.

Elizabeth F. and George F. Vary
5712 Newington Road
Bethesda, Maryland 20816

April 8, 2009

Councilmember Phil Andrews
Councilmember Roger Berliner
Councilmember Nancy Floreen
Councilmember George Leventhal
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: April 20, 2009 T&E Committee Work Session on Speed Humps

Dear Councilmembers:

We write to you today to ask that you not endorse inequity in neighborhood voting procedures on speed humps. An agenda item for your April 20 work session would do just that, allowing a small minority of a neighborhood to vote to bind a large majority, permanently depriving large numbers of households of voting rights, and, in effect, codifying an arbitrary and irrational voting distinction between next-door neighbors.

We live at 5712 Newington Road, Bethesda. Our neighborhood, Springfield, is, according to our civic association's web, comprised of over 650 households. At present, some in our neighborhood have been urging speed humps be installed on (i) Springfield Dr. between River Road and Cromwell Dr., and (ii) Cromwell Dr. between Massachusetts Ave. and Springfield Dr.

As near as we can calculate, under existing county procedures only approximately 34 homes on Springfield Dr. would get to vote on speed humps, thus controlling the issue for the neighborhood of over 650 households, and approximately 38 homes on Cromwell Dr. could bind 17 times that number of their neighbors.[1] This seems conceptually wrong as a matter of equity alone, but it becomes wholly inexplicable when you look at actual voting situations.

Under the County's "Residential Speed Hump Program Evaluation Process and Application Guidelines" (March 1998):

> "Speed humps require the concurrence of not less than 80% of the residents...whose livability is directly affected by the traffic conditions along the street or street sections being considered for speed hump installation. This

[1] For your convenience, maps are attached.

> typically means direct road frontage of a residence but can also include side and rear yard frontages depending on the specific circumstance.
>
> Speed humps also require the concurrence of not less than 50% of the residents...on cul-de-sacs or side streets in the neighborhood whose only access to their homes is via the streets being considered for speed humps."

While the second paragraph in the current guidelines, by its express terms, allows people who live on side streets to vote if their only access is "via the streets being considered for speed humps" – that is, if their wheels touch the street in question -- we were advised by Mr. Tracy Wroe (and confirmed by Mr. Glenn Orlin) that County policy interpreting this is to allow "side-streeters" to vote only if they must cross a hump to have access to their home. Our civic association traffic chairperson wrote to us and others in the neighborhood to the same effect:

> "So your statement is correct that 'no matter how circuitous or maze-like and without regard to your destination, if you can, in fact, get out of Springfield without going over a hump, you do not vote.'"

As final confirmation of current interpretation of the guidelines, attached is a March 24, 2009 letter from the County's Department of Transportation to said chairperson stating:

> "[I]n cases where it would still be possible to access side street residences via a route that avoids crossing any speed humps, **even if it is not the most direct**, the concurrence requirement [allowing voting] does not apply." (emphasis supplied.)

(Strangely, this letter does not mention the inconsistency between the written guidelines – "via the streets being considered" – and the current policy.)[2]

It is this current interpretation that you are being asked to concur with the Executive on and establish by Executive Regulation. (Memorandum to Transportation, Infrastructure, Energy and Environment Committee from Glenn Orlin, March 24, 2009, at 5; Montgomery County Executive Regulation Number 32-08, at 4 (attached to Orlin memo)).

The inequity and abritrariness of both the current practice and the proposed Regulation are clearly illustrated by four simple examples that could easily be replicated for other actual addresses in our neighborhood:

5712 Newington Road (our situation)

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[2] We note that the Council action "creating" the side-street voting eligibility makes no mention of the now-invoked condition that "side-streeters" must be forced to cross a hump in order to vote. See Minutes of County Council Meeting of March 10, 1998 ("**ACTION**: Expanded the voting requirements for approval to side streets, cul-de-sacs and courts which have access only on the street where the speed humps are being proposed for installation, and decreased the approval percentage requirements for those residents from 80% to 50%.")

For the last 25 years, Mr. Vary has driven to his job in D.C. via a left on Cromwell to a left on Massachusetts Avenue. We would not get to vote, however, under the newly sought language because we could exit the neighborhood via a right on Cromwell, a right on Ridgefield and a left on Ogden to River Road without crossing a hump. Net result, a longer trip (in the opposite direction initially) and more traffic on River Road.

5712 Newington vs. 5611 Cromwell
The 5611 resident could get out of the neighborhood without crossing a speed hump by precisely the same maneuvers as 5712 Newington. Yet, the former gets to vote because of a Cromwell address (even though he/she is above the last speed hump), but the latter has no voice whatsoever.

5302 Cromwell vs. 5626 Knollwood (or 5712 Newington)
5302 gets to vote as it is on Cromwell, despite the fact that it's one door off Massachusetts and does not need to cross a hump to get to Massachusetts.

5626 does not get to vote because it can get to Massachusetts without crossing a hump by going circuitously left on Cromwell, left on Brookeway Dr. (this turn is between two humps), left on Chesterbrook Rd., and right on Briley Pl. .

5712 does not get to vote because, although landlocked between two streets with humps, it can get out to River Road without crossing a hump if it has to. Who cares if the driver wants to go to Massachusetts Ave. and has to cross one or more humps to do so, he/she can't vote because he/she could go some other way.

5628 Knollwood vs. 5626 Knollwood Rd.
The 5628 address is between humps and exit from the neighborhood to Massachusetts Ave. without crossing a hump can be had by turning left on Cromwell between humps, left on Brookeway Dr., left on Chesterbrook Rd. and right on Briley Pl. to Massachusetts. But, 5628 gets to vote as it is on the corner of the street "being considered" for humps.

The 5626 house is the next-door neighbor of 5628. The 5626 driver can get to Massachusetts without crossing a hump via precisely the same circuitous route as the 5628 neighbor. However, the 5626 neighbor does not get a vote under current practice and the proposed Regulation despite the fact that the most direct route is down Cromwell to Massachusetts, going over a hump in the process.[3]

It makes absolutely no sense to us to have next-door neighbors treated entirely differently for voting purposes when their "escape routes" are identical. Yet that is what is proposed. The net result of the proposed Regulation for our neighborhood, as confirmed above, is that **no household** except those directly on the humped streets **gets to vote**. We are certain this same inequitable result could be found in other neighborhoods in the County as well.

---

[3] Knollwood and Lamar configure a horseshoe, both ends of which are on Cromwell. Yet 44 of those 48 households on the two streets get no vote under current practice and as proposed. Four houses on the corner of Cromwell do get to vote it appears.

PROPOSAL -- LET EVERYONE VOTE/CALL A MORATORIUM ON HUMPS

We hope you agree that current practice and the attempt to "codify" that practice by Executive Regulation are arbitrary and make little sense when you look at real-life examples (which abound), effectively barring the majority of households who are truly impacted by the proposed humps from voting. It may be difficult to craft a workable alternative, as we have tried and almost every attempt results in some difficult-to-administer scheme.

The only regime we have been able to develop that is workable and fairer than the current (and proposed) one is to have all members of the defined community eligible to vote. The civic associations know what their boundaries are and all households within those boundaries should be eligible to vote. This would also remove any burden on County staff to determine cul-de-sac or side-street eligibility and is, thus, workable.

This suggestion may take time to study or implement, and there may well be some other ideas we have not considered. As a result, we suggest that in the interim a moratorium on all humps be declared. As noted on p.1 of the Orlin memorandum, Council has previously called for a temporary moratorium on speed hump installation pending study. We believe that a review of current voting policy and the proposed Executive Regulation could remove many of the real problems described above and broaden neighborhood participation in the voting process. To allow for a comprehensive review, stop all speed humps not already approved by a community vote, pending review of the entire voting system.[4]

Respectfully submitted,

Elizabeth and George Vary

[4] We would note there is no current urgent safety issue here. Having lived at our address for 25 years, we are unaware of any accident involving a pedestrian on either Cromwell or Springfield in that time. Both, by the way, have sidewalks, except for a small section of Springfield immediately off River.

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

March 24, 2009

Arthur Holmes, Jr.
Director

Ms. Merrily Hardisty, Chair
Springfield Civic Association Traffic Committee
5700 Springfield Drive
Bethesda, Maryland 20816

Dear Ms. Hardisty:

Thank you for your letter dated February 9, 2009, in which you requested clarification of the concurrence requirements for speed humps, specifically those pertaining to residents who live along side streets.

In March of 1998, the Department of Transportation adopted several changes to its policy regarding speed humps, including the side street concurrence requirement you are referring to. Previously, a specific level of concurrence was required only for homes that bordered the segment of street where speed humps were being proposed. Since March 1998, it has been our policy and practice to require 50% concurrence from residences along side streets and cul-de-sacs only if they would become "landlocked", i.e. residents would have no alternative but to cross a speed hump in order to access their homes, as a result of implementation of a speed humps plan. On the other hand, in cases where it would still be possible to access side street residences via a route that avoids crossing any speed humps, even if it is not the most direct, the concurrence requirement does not apply.

In the case of the proposed speed hump plan for Cromwell Drive, no side street residences would become "landlocked", including those along Lamar Road and Knollwood Road. Since it would still be possible to access homes along the side street without crossing any speed humps, the 50% concurrence requirement does not apply.

Please be assured that the "landlocked" requirement described above accurately reflects our policy, and is absolutely consistent with every speed hump evaluation we have conducted since we adopted the requirement in March 1998.

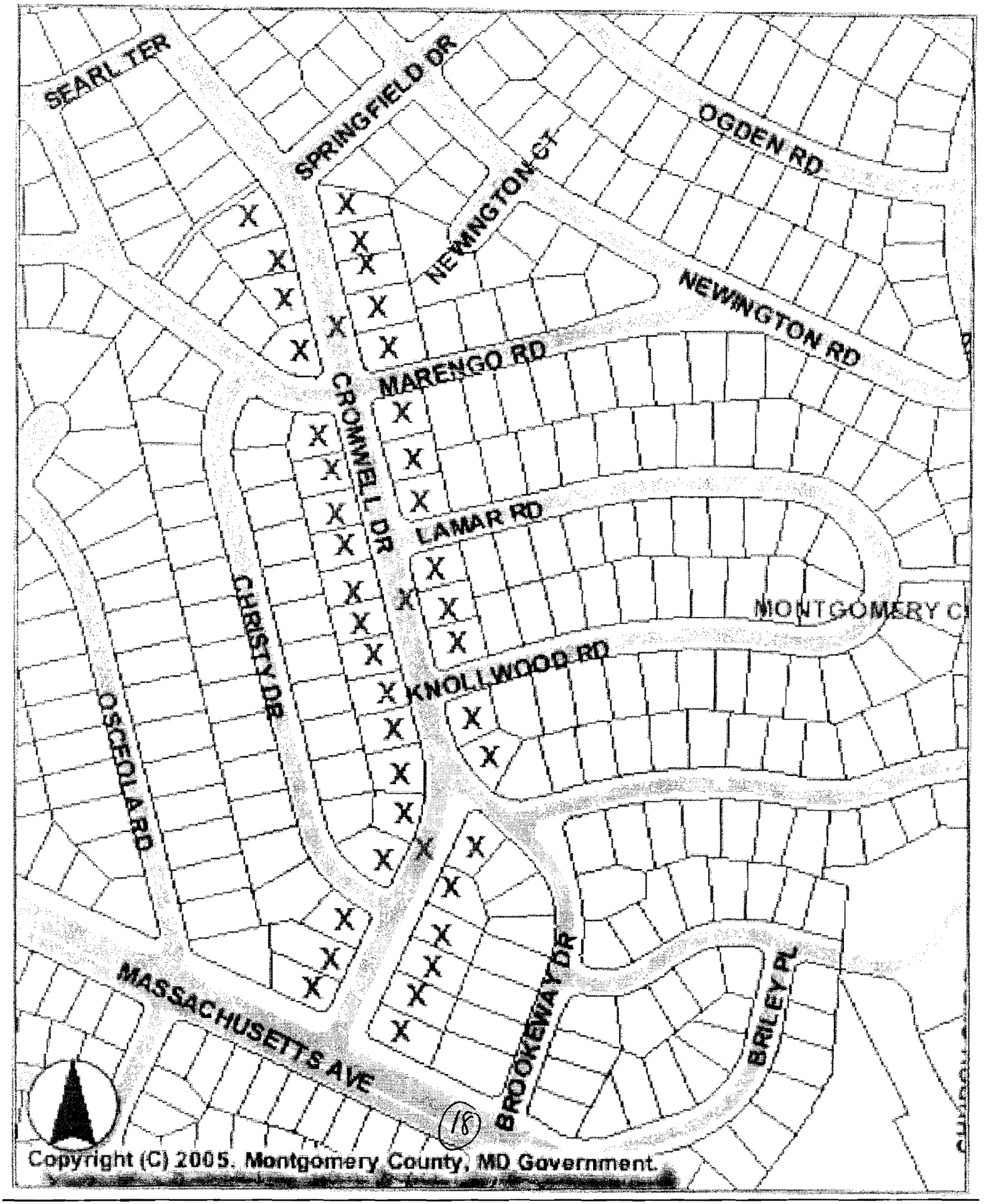
I apologize for any inconvenience and confusion that this matter may have caused you or members of your community. If you have any additional questions or would like to discuss this matter further, please feel free to contact me at 240-777-2190.

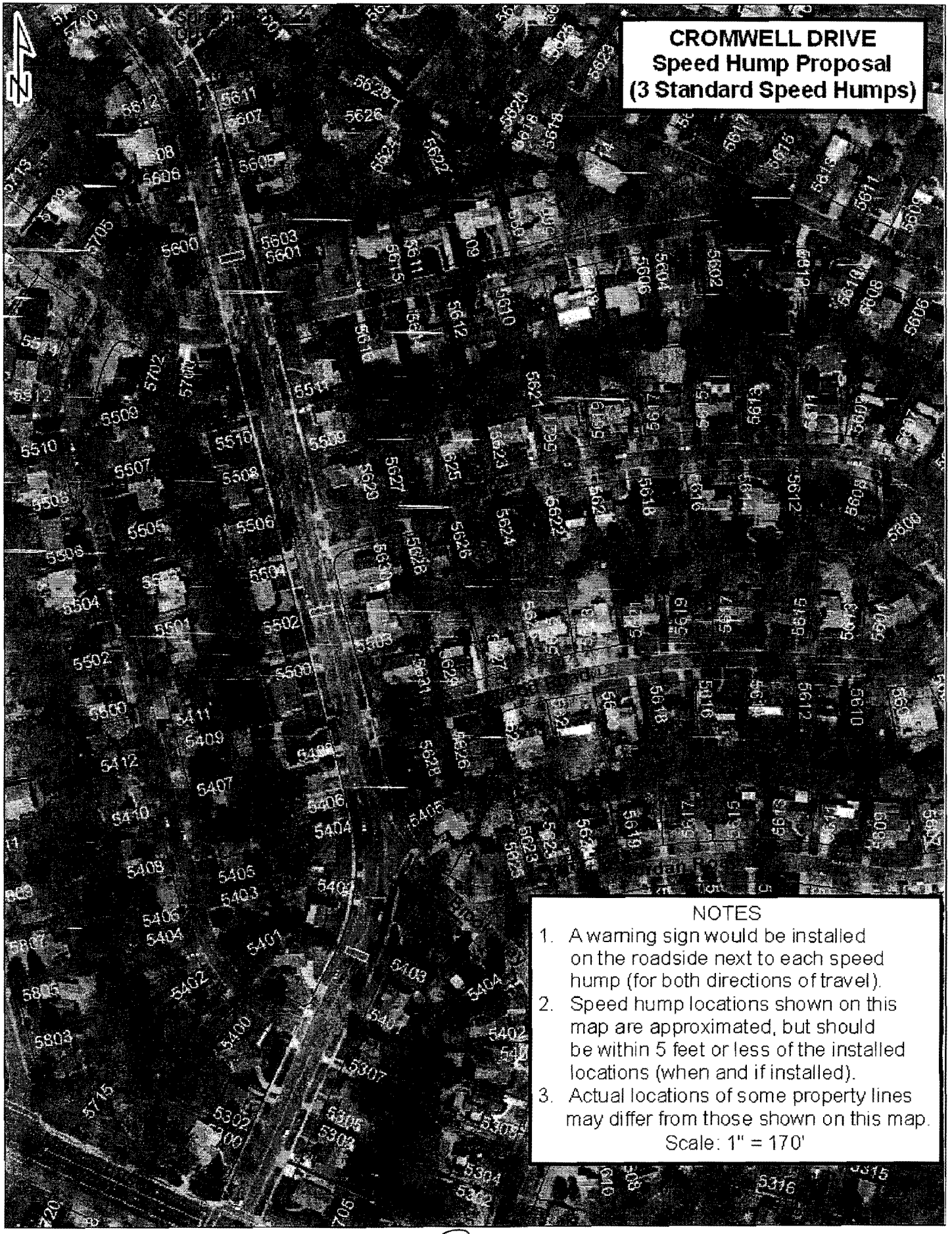
Sincerely,

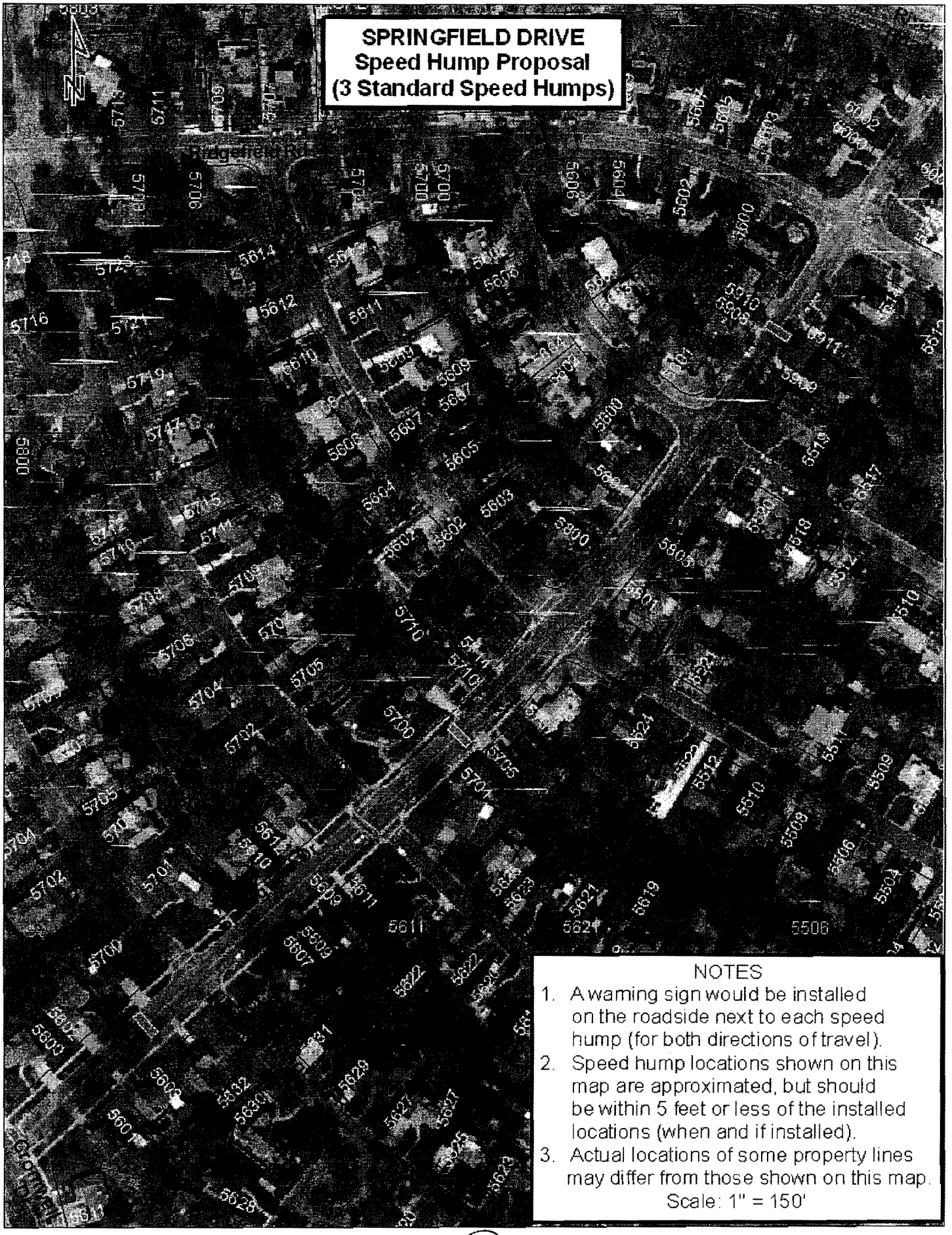
Fred Lees, Chief
Traffic Engineering Studies Section
Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
traffiops@montgomerycountymd.gov

Cromwell Drive: Residences to be polled




CROMWELL DRIVE
Speed Hump Proposal
(3 Standard Speed Humps)
NOTES
1. A warning sign would be installed on the roadside next to each speed hump (for both directions of travel).
2. Speed hump locations shown on this map are approximated, but should be within 5 feet or less of the installed locations (when and if installed).
3. Actual locations of some property lines may differ from those shown on this map.
Scale: 1" = 170'


SPRINGFIELD DRIVE
Speed Hump Proposal
(3 Standard Speed Humps)
Ridgefield Rd
NOTES
1. A warning sign would be installed on the roadside next to each speed hump (for both directions of travel).
2. Speed hump locations shown on this map are approximated, but should be within 5 feet or less of the installed locations (when and if installed).
3. Actual locations of some property lines may differ from those shown on this map.
Scale: 1" = 150'