

Making the Mesa Speed Hump Policy More Fair and Equitable

Submitted to the Mesa Transportation Advisory Board
May 17, 2016

I have lived at the same address on East First Place since 1966. Since that time, my neighborhood has seen many people come and go. Because the homes were very well built and have larger lots than contemporary homes, the area continues to be well kept up. But I have seen a few changes that are most unwelcome, at least from my perspective.

Someone contacted the City in 1999 and requested that speed humps be installed on Lazona Drive, a half-mile collector street that bisects my neighborhood. At the time, the approval process only required a survey of properties directly adjacent to the street. Since my residence is one house east of Lazona, I was not included in the survey, nor was I informed that humps were under consideration, even though I frequently drive on Lazona and my tax dollars were used for hump construction.

Soon after, I appeared several times before this Board in an effort to broaden the survey to include all affected residents. I took time to research this issue – and found that while speed humps have a demonstrable effect on average vehicular speeds, their positive effect on safety is very hard to quantify, because the incidence of speed-related vehicular injuries in residential neighborhoods is extremely low. Speed humps actually have a negative effect on safety by delaying the response time of emergency vehicles. I believed then, and believe today, that people want speed humps because they feel safer, not because they actually are safer in any significant way.

At that time, this Board agreed to broaden the survey process to include homes on cross streets 300 feet from the affected street. One of my neighbors and I circulated a removal survey in 2000. 78 homes and 4 businesses were included and more than half requested removal. At that time, the threshold for removal was 70 percent so nothing changed. I gave up in frustration. All of that was more than 16 years ago.

Recently I became aware that another group of neighbors had requested a new speed hump on First Place less than ¼ mile west of my home. Once again I was not included in the survey or made aware of any of this until the hump had been approved. I found out only when the location of the new hump was painted on the street.

The Speed Hump Policy, section B (“Affected Property Owners”) states that all properties within 300 feet of each side on any cross street must be included in the survey. I was at least partially responsible for this verbiage, added in 2000. The intent was to include more residents who regularly drive over the affected area, not just those who live on the affected street. The policy also gives City staff the discretion to include additional properties.

Please refer to Exhibit 1. The X marks indicate the properties that were included in the survey for the new hump, located about 200 feet east of where First Place curves to the south. Notice the four properties at the corners of First Street and Lazona and the four at the intersection of

Second Street and Lazona, and the six properties to the east of the intersection of First Place and First Street. It is obvious that none of these residents would regularly drive on First Place to access the arterial street network. Now refer to Exhibit 2. Residents in the eight additional properties to the east of Lazona are much more likely to be affected, because they would cross the new speed hump when using the shortest and most convenient route to Stapley Drive. Because these properties are clearly more affected than some of those required by the policy, it should have been incumbent on staff to include them in the survey.

My first proposal asks that the definition of "affected" be changed in such a way that common sense, rather than a set of arbitrary rules, be used to determine which residents are included in future speed hump surveys. The text of all of my proposals is included in the handout.

When contacting the City about the new hump, I asked for a copy of the completed survey. This would have enabled me to determine which of my neighbors were in opposition to the new speed hump. I'm sure you are all aware of the current survey form which collects "yes" or "no" votes and resident signatures, about 12 to the page. The response to my request was a formal denial from a City Attorney. See Exhibit 3.

Obviously, all residents deemed "affected" will have an opportunity to view the responses of any on the same page that had been contacted before they were. And the neighbor(s) who requested the hump and circulated the survey have knowledge of all responses. But because I was not deemed to be "affected", this information was denied to me. I remind the Board that I drive this way frequently and my tax dollars will be used in the construction of the new hump. This is not equal treatment under the law. I am not opposed in principle to a confidential ballot; but the current survey process grants full access to the pro-hump "neighborhood representative" and denies it to others who may hold a different viewpoint.

This leads to my second proposal. An unbiased survey should be conducted by City staff, initially by mail and (optionally) in person if there is no response. The neighborhood should bear the cost of this survey, as it does now for the qualifying speed study. Under the current system, the person contacting affected residents presumably has a strong desire to have new speed hump(s) installed. If a resident does not feel strongly about this, they may indicate consent just because they want to get along with their neighbors.

My third proposal concerns the funding of humps on low volume streets. In these cases, tax dollars should be allocated in proportion to traffic volume. Current policy is to charge the neighborhood \$500 for a new hump if the traffic volume is less than 500 vehicles per day. I believe the "neighborhood cost" should increase, if traffic volumes are substantially less than 500 per day. For example, the charge should be \$1000 if the traffic volume is less than 250 per day. If the volume is less than 125 per day, the neighborhood should bear the entire expense.

There is one other aspect of the approval process for the new hump on First Place that deserves close scrutiny. A speed study was conducted on First Place on Wednesday 5/13/2015 and Thursday 5/14/2015. The first 24-hour portion indicated an 85th percentile speed of 35.7 MPH with a traffic volume of 118. The second 24-hour portion indicated an 85th percentile speed of

29.0 MPH with a traffic volume of 107. Data from the first portion was used in isolation to justify the new hump.

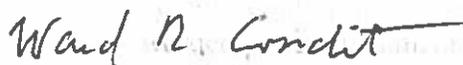
Page three, section C of the Speed Hump Policy discusses details of the speed study data collection process. It says in part: "Typically, sufficient data is collected using road tubes in one location for 48 consecutive hours". The words sufficient and consecutive imply that data from the full 48-hour period should be used to calculate the 85th percentile speed. In this case, the contractor separated the data into two 24-hour periods and calculated 85th percentile speeds for each period. I did my own calculation using all the data and determined that the 85th percentile for the full 48-hour period was 32.2 MPH – a result that does not meet the warranting criteria. This value was confirmed by a Senior Transportation Engineer. The same person also said "We use the value for one day (midnight to midnight) that best supports the desired outcome." In fairness to this person, I suggested the term "desired outcome" but their response confirmed it.

Policy documents are carefully worded and strictly interpreted. There should be little room for discretion on the part of City staff unless the policy grants such discretion. There is nothing in the Speed Hump Policy that permits staff to disregard data from half of the collection period because it does not support the "desired outcome". And who is it that interprets the desired outcome? If one staffer believes speed humps are a good thing and another does not, the "desired outcome" could produce totally different results. Such language would never appear in a properly worded policy document because it would be grossly prejudicial.

In closing, it may surprise you that I am NOT requesting any action on the part of this board to prohibit or delay the construction of the new hump on East First Place. The reason is simple -- I don't want to start a war with my neighbors. I know some of these people and believe they are acting in good faith from a genuine desire to make their neighborhood safer. My research indicates the safety effect, if one exists at all, is marginal. What is not in doubt is that these people will feel safer with their hump. I don't think this outcome justifies the imposition of delay, frustration and discomfort on the vast majority of motorists who drive responsibly.

You may ask why I took the trouble to speak tonight. This is not just a rant. I want this situation to serve as a catalyst for this Board to take a long hard look at the current policy and to make some changes that are desperately needed. When government sanctions the erection of obstacles on public roadways, it is important that all affected residents have an equal opportunity to express their opinion confidentially. And when the street has a very low traffic volume, the public contribution to construction costs should be reduced in proportion.

Respectfully,



Ward R. Condit

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(480) 964-9220



Exhibit 1
Location of surveyed properties

N STAPLEY DR

E 2ND PL

E 2ND ST

E 1ST ST

E 1ST PL

← Proposed speed hump

E 1ST PL

E PEPPER PL

N LAZONA DR

N LAZONA DR

E 2ND ST

← My property

E 1ST PL

E 1ST ST

N BARKLEY

Exhibit 2
Affected properties that
should have been surveyed

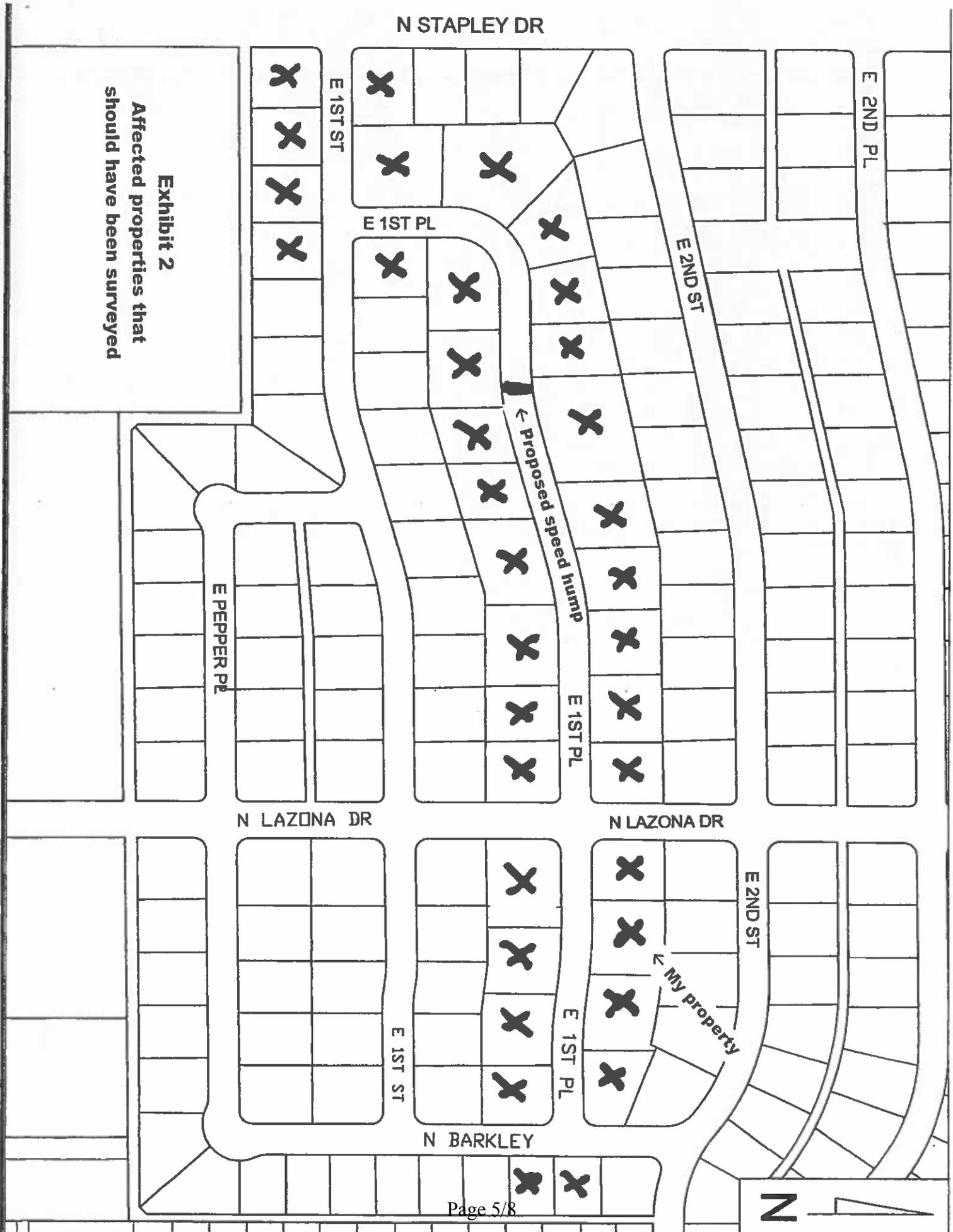


Exhibit 3 – Response from City Attorney for records request

Subject: Public Record Request

From: Kelly Schwab <Kelly.Schwab@mesaaz.gov>

Date: 3/30/2016 10:56 AM

To: ' Ward Condit

CC: Joe Draper <Joe.Draper@mesaaz.gov>, MaryGrace McNear <MaryGrace.McNear@MesaAZ.gov>, Alfred Smith <Alfred.Smith@mesaaz.gov>

Mr. Condit:

I am one of the assistant city attorneys for the City of Mesa. Mr. Draper provided me with your email to respond to the requests included in your voice mail to him.

You had requested copies of the petitions for the speed hump. Those records were provided with the names, signatures and ownership/rental status redacted. ARS Sections 41-4171 and 41-4172 requires cities to protect personally identifiable information. This includes the names and signatures of the persons who signed the petition. That information will not be provided.

It is my understanding that you have been provided the speed hump policy from the City. The meetings of the Sustainability and Transportation Committee can be found on mesaaz.gov at <http://mesa.legistar.com/Calendar.aspx>.

Kelly Y. Schwab
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City Attorney's Office
(480) 644-2812 (Phone)
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THE CITY OF MESA BUSINESS HOURS ARE 7:00AM-6:00PM
MONDAY-THURSDAY (CLOSED FRIDAY)

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Summary of Issues

1. The First Place speed hump survey included some properties that were not affected and excluded others that were affected. The current rules are not appropriate in every circumstance, and this example demonstrates that staff cannot be relied upon to make adjustments when necessary. A more general set of rules that include all affected properties should be adopted.
2. The current survey process grants special privileges to the “neighborhood representative”. This person may be able to influence voters and has access to all survey information. Voting should be personal and confidential; rights which are guaranteed in the traditional democratic process.
3. Very low volume streets should have a proportionally lower public contribution for speed hump construction costs.
4. The First Place speed study, taken over the entire 48-hour period, showed an 85th percentile speed of 32.2 MPH. This does not meet the warranting criteria for residential streets (33 MPH). In this case, data from half of the survey period was intentionally omitted in order to produce a higher, qualifying value. Staff should not be permitted to cherry-pick the data according to personal preference.

Proposal #1

Use a practical, common sense definition of "affected".

Replace the second part of section (B) as follows:

Affected property owners

A residential property is deemed to be "affected" if it is within ½ mile of any proposed speed hump, and if the resident could reasonably be expected to cross the proposed hump to access the nearest major collector or arterial street from their property, coming or going in any direction. Only the shortest and most convenient routes need be included.

A business property is deemed to be "affected" if the same criteria apply to its customers.

Proposal #2

Speed hump surveys should be conducted confidentially, by unbiased personnel.

Replace the second paragraph of part one of section (B) as follows:

Neighborhood acceptance survey

The survey will be conducted by City staff using mailed forms and prepaid return envelopes. A second form marked "signature required" will be sent if there is no response after two weeks. City staff may, at its discretion, conduct a follow-up personal visit to non-responsive properties. When a resident cannot be contacted, the vote will be counted as "no response". The cost of this survey will be borne by the neighborhood.

Proposal #3

Low volume streets should require proportionally higher neighborhood cost sharing.

Replace sentence 2, paragraph 3, section (D) as follows:

Installation and maintenance costs

In this case, the neighborhood would be responsible for (1) a \$500 per device fee if the traffic volume exceeds 249 vehicles per day; or (2) a \$1000 fee per device if the traffic volume is less than 250 but more than 124 vehicles per day; or (3) the full cost of the device if the traffic volume is less than 125 vehicles per day; all fees to be paid to the City.