

**A SUBSTITUTE ORDINANCE
BY TRANSPORTATION COMMITTEE**

10-O-0467

A SUBSTITUTE ORDINANCE TO AMEND CHAPTER 138 (ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"), ARTICLE IV, DIVISION 2, SECTION 138-84 AND 138-85 SO AS TO AMEND THE PROCEDURES TO BE FOLLOWED FOR THE INSTALLATION AND REMOVAL OF TRAFFIC CALMING DEVICES IN THE PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES.

WHEREAS, it is recognized that the installation of traffic calming devices is appropriate where needed to control traffic and reduce the risk of accidents on certain streets in the City of Atlanta; and

WHEREAS, the City of Atlanta currently accepts requests for the installation of traffic calming devices from property owners through a petitioning process set out at Section 138-84 of the City of Atlanta Code of Ordinances; and

WHEREAS, the Department of Public Works has determined that Section 138-84 should be revised and amended so as to clarify the procedures that need to be followed by such property owners for the installation of traffic calming devices; and

WHEREAS, the Department of Public Works has determined that Section 138-85 should be revised and amended so as to clarify the procedures that need to be followed by such property owners for the removal of traffic calming devices.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: Section 138-84 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 138-84. Traffic calming devices--Installation.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except when the context requires otherwise:

(1) *Traffic calming guidelines* means the **City of Atlanta's document titled "Traffic Calming Device Implementation Guidebook," prepared by City of Atlanta, dated May 1999, and any future revisions.**

(2) *ITE Guidelines* means the document titled "Guidelines for the Design and Application of Speed Humps" issued by the Institute of Transportation Engineers **and prepared by the ITE Traffic Engineering Council**

~~Committee I.T.E. Technical Council Speed Humps Task Force in March, 1993 August 2007, and any future subsequent~~ revisions.

(3) *Speed ~~hump~~ table* means the geometric roadway design features described and defined in the ITE guidelines, which shall be no less than 22 feet in width.

(4) *Traffic calming device* means a roadway feature implemented to reduce vehicular speed as described in the **City of Atlanta's** "Traffic Calming **Device** Implementation Guidebook" and **ITE's** "Guidelines for the Design and Application of Speed Humps."

(5) *Street segment* means a portion of a local residential street within the city located between any two intersecting streets.

(b) Property owners on a street or street segment who desire to have traffic calming devices installed must request that a traffic study be conducted by the department of public works to determine whether the street or street segment meets city traffic calming guidelines for the installation of such devices. A traffic study may be valid for a period of up to three (3) years from the original date of the study.

~~(c) (b)—When presented with petitions in form satisfactory to the city signed by 75 percent of the property owners on any street segment (based on front footage), evidencing their desire to have such traffic calming device, to accept the signage and markings appurtenant thereto, and acknowledging that installing the traffic calming device could slow the response time of the fire department by several seconds per traffic calming device and slow other emergency vehicles as well, t~~
The department of public works shall be responsible for the administration of the traffic calming program to include conducting traffic engineering studies to determine whether all of the conditions set forth below are met. As a part of such study, the police and fire departments shall be notified and given the opportunity to comment on **the propriety of installing traffic calming devices** the applicability of section 2.11 of the guidelines to on the particular street segment. **In addition, all utility companies and other companies that have franchise agreements with the City shall be contacted to determine whether any work in the public right-of-way is planned on the affected street segment.** If all conditions are met, the city shall ~~may~~ construct and install traffic calming devices on such street segment. The conditions, which must be met, are as follows:

(1) The street segment must be a residential street functionally classified as local or collector except that a collector street shall not qualify for speed ~~humps~~ **tables**;

(2) The 85th percentile speed of traffic on such street must be at least ten miles per hour over the posted speed limit;

~~(3) The property owners on such street segment may apply to the city for funding for all costs of construction and installation; in the alternative, the property owners may elect to engage a private contractor to construct the traffic calming devices in accordance with all requirements of the department of public works and to pay all costs of construction and installation; and~~

~~(4) That the street segment meet the criteria contained in part 2.0 of the ITE guidelines for speed humps or the criteria the contained in Traffic Calming Device Implementation Guidebook, except to the extent this article expressly provides for different criteria. Further provided, that if Institute of Transportation Engineers' or the City of Atlanta revokes or suspends the guidelines, then this requirement shall not be deemed to have been met for any traffic calming device installation not completed by the date of such revocation or suspension.~~

In addition to the requirements set out herein, the department of public works may utilize the criteria contained in part 2.0 of ITE's "Guidelines for the Design and Application of Speed Humps" and/or the criteria contained in the "Traffic Calming Device Implementation Guidebook."

(d) Should the department of public works determine that a street or street segment meets said traffic calming guidelines, the property owners may present a petition in form satisfactory to the department of public works signed by sixty seven percent (67%) of the property owners abutting any street or street segment evidencing their desire to have such traffic calming devices installed.

(1) The petition shall identify a resident petition coordinator and shall conform in form and content with requirements established by the department of public works.

(2) By signing the petition, the property owners agree to accept the signage and markings appurtenant thereto.

(3) By signing the petition, the property owners acknowledge that installing the traffic calming devices could slow the response time of the fire department by several seconds per traffic calming device and slow other emergency vehicles.

(4) The petition shall inform the property owners that by signing the petition, they acknowledge that if the City does not have funds available to cover the cost of installation of the proposed traffic calming devices, that the property owners agree to provide to the city the funding necessary to install said traffic calming devices.

~~(4) In those instances where a parcel of real property within the petitioning area is vacant, the petition coordinator will send a letter by certified mail return receipt requested, to the property owner listed in the county property tax records. If no response to said certified letter is received within thirty days of the date of said letter, said property will be excluded from the properties within the street segment for the purposes of meeting the 75 percent petitioning requirement.~~

(e) Upon the authorization of the petitioning process by the department of public works, the petition must be turned in to the department of public works within ninety (90) days of the date of authorization. For good cause shown, the commissioner of the department of public works may extend the ninety (90) day petitioning process for an additional ninety (90) days.

(f) The property owners on such street segment may apply to the city for funding for all costs of construction and installation; in the alternative, the property owners may elect to fund ~~engage a private contractor to construct~~ the traffic calming devices in accordance with all requirements of the department of public works and to pay all costs of construction and installation.

(g) If the property owners wish to consider the installation of traffic calming devices other than speed tables on local streets, the department of public works may consider such requests provided that the property owners agree to fund any additional costs above the cost of installing speed tables.

(gh) Upon initiation of the petitioning process by the resident petition coordinator, the department of public works will (1) immediately, **on a** temporary basis, post signs at the corners of each street segment to be included in the proposed traffic calming area that will alert the public of the traffic calming initiative, and (2) will deliver, by first class mail, a written notice to the NPU having jurisdiction over the proposed traffic calming area of the traffic calming petitioning process. The temporary signage shall be removed when the petitioning process described in subsections (d) and (e) above have been completed.

(hi) Upon submission of a completed traffic calming petition, the department of public works shall either install the traffic calming devices within two years of said submission, or provide written notice to ~~notify~~ the resident petition coordinator and all residents located within the affected street segment that the approved traffic calming devices could not be installed and the reasons therefore. Upon such notification, the original petition will be voided and the resident petition coordinator will be advised that if the residents of the street segment still desire the installation of traffic calming devices, a new request must be submitted to the department of public works.

Upon receipt of a new request by the department of public works, the traffic calming approval process would be restarted by the submission of a new petition.

~~(e) Traffic calming device on a street segment shall be removed if all of the following are met:~~

~~(1) Seventy five percent of property owners on the street segment, via formal petition, request their removal.~~

~~(2) Traffic calming devices have been in place no less than one year.~~

~~(3) The property owners are made aware that speeds will increase.~~

~~(4) The property owners agree to pay all costs associated with such removal, and are assessed same under section 134 27.~~

Section 138-84, as revised above will then read as follows:

Sec. 138-84. Traffic calming devices--Installation.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except when the context requires otherwise:

(1) *Traffic calming guidelines* means the City of Atlanta's "Traffic Calming Device Implementation Guidebook," dated May 1999, and any future revisions.

(2) *ITE Guidelines* means the document titled "Guidelines for the Design and Application of Speed Humps" issued by the Institute of Transportation Engineers and prepared by the ITE Traffic Engineering Council Committee in August 2007, and any future revisions.

(3) *Speed table* means the geometric roadway design features described and defined in the ITE guidelines, which shall be no less than 22 feet in width.

(4) *Traffic calming device* means a roadway feature implemented to reduce vehicular speed as described in the City of Atlanta's "Traffic Calming Device Implementation Guidebook" and ITE's "Guidelines for the Design and Application of Speed Humps."

(5) *Street segment* means a portion of a local residential street within the city located between any two intersecting streets.

(b) Property owners on a street or street segment who desire to have traffic calming devices installed must request that a traffic study be conducted by the department of public works to determine whether the street or street segment meets city traffic calming guidelines for the installation of such devices. A traffic study may be valid for a period of up to three (3) years from the original date of the study.

(c) The department of public works shall be responsible for the administration of the traffic calming program to include conducting traffic engineering studies to determine whether all of the conditions set forth below are met. As a part of such study, the police and fire departments shall be notified and given the opportunity to comment on the propriety of installing traffic calming devices on the particular street segment. In addition, all utility companies and other companies that have franchise agreements with the City shall be contacted to determine whether any work in the public right-of-way is planned on the affected street segment. If all conditions are met, the city may construct and install traffic calming devices on such street segment. The conditions, which must be met, are as follows:

- (1) The street segment must be a residential street functionally classified as local or collector except that a collector street shall not qualify for speed tables;
- (2) The 85th percentile speed of traffic on such street must be at least ten miles per hour over the posted speed limit;

In addition to the requirements set out herein, the department of public works may utilize the criteria contained in part 2.0 of ITE's "Guidelines for the Design and Application of Speed Humps" and/or the criteria contained in the "Traffic Calming Device Implementation Guidebook."

(d) Should the department of public works determine that a street or street segment meets said traffic calming guidelines, the property owners may present a petition in form satisfactory to the department of public works signed by sixty seven percent (67%) of the property owners abutting any street or street segment evidencing their desire to have such traffic calming devices installed.

- (1) The petition shall identify a resident petition coordinator and shall conform in form and content with requirements established by the department of public works.
- (2) By signing the petition, the property owners agree to accept the signage and markings appurtenant thereto.
- (3) By signing the petition, the property owners acknowledge that installing the traffic calming devices could slow the response time of the

fire department by several seconds per traffic calming device and slow other emergency vehicles.

(4) The petition shall inform the property owners that by signing the petition, they acknowledge that if the City does not have funds available to cover the cost of installation of the proposed traffic calming devices, that the property owners agree to provide to the city the funding necessary to install said traffic calming devices.

(e) Upon the authorization of the petitioning process by the department of public works, the petition must be turned in to the department of public works within ninety (90) days of the date of authorization. For good cause shown, the commissioner of the department of public works may extend the ninety (90) day petitioning process for an additional ninety (90) days.

(f) The property owners on such street segment may apply to the city for funding for all costs of construction and installation; in the alternative, the property owners may elect to fund the traffic calming devices in accordance with all requirements of the department of public works and to pay all costs of construction and installation.

(g) If the property owners wish to consider the installation of traffic calming devices other than speed tables on local streets, the department of public works may consider such requests provided that the property owners agree to fund any additional costs above the cost of installing speed tables.

(h) Upon initiation of the petitioning process by the resident petition coordinator, the department of public works will (1) immediately, on a temporary basis, post signs at the corners of each street segment to be included in the proposed traffic calming area that will alert the public of the traffic calming initiative, and (2) will deliver, by first class mail, a written notice to the NPU having jurisdiction over the proposed traffic calming area of the traffic calming petitioning process. The temporary signage shall be removed when the petitioning process described in subsections (d) and (e) above have been completed.

(i) Upon submission of a completed traffic calming petition, the department of public works shall either install the traffic calming devices within two years of said submission, or provide written notice to the resident petition coordinator and all residents located within the affected street segment that the approved traffic calming devices could not be installed and the reasons therefore. Upon such notification, the original petition will be voided and the resident petition coordinator will be advised that if the residents of the street segment still desire the installation of traffic calming devices, a new request must be submitted to the department of public works. Upon receipt of a new request by the department of public works, the traffic calming approval process would be restarted by the submission of a new petition.

SECTION 2: Section 138-85 of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text, to revise said section as follows:

Sec. 138-85. Same--Removal.

Speed ~~humps~~ **tables** on a street segment ~~shall~~ **may** be removed if all of the following **conditions** are met:

- (1) Sixty seven percent (67%) of property owners ~~on~~ **abutting** the street segment, via formal petition, request their removal.
- (2) The speed ~~humps~~ **tables** have been in place **at least** ~~no less than~~ one year.
- (3) The property owners are made aware that speeds will increase.
- (4) The property owners ~~agree to~~ **shall pay in full** all costs associated with such removal **prior to said removal based on a cost estimate prepared by the department of public works,** ~~and are assessed same under section 134-27.~~

Section 138-85, as revised above will then read as follows:

Sec. 138-85. Same--Removal.

Speed tables on a street segment may be removed if all of the following conditions are met:

- (1) Sixty-seven percent (67%) of property owners abutting the street segment, via formal petition, request their removal.
- (2) The speed tables have been in place at least one year.
- (3) The property owners are made aware that speeds will increase.
- (4) The property owners shall pay in full all costs associated with such removal prior to said removal based on a cost estimate prepared by the department of public works.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.