

Resolution No. 12-1857
Introduced: November 1, 1994
Adopted: November 1, 1994

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Approval of Executive Regulation No. 17-94AM, Through Traffic Volume Access Restrictions in Residential Areas

Background

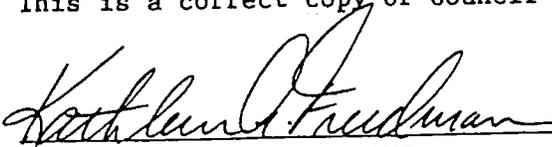
- (1) On October 13, 1994, the County Council received Regulation No. 17-94, Through Traffic Volume Access Restrictions in Residential Areas, from the County Executive.
- (2) On October 27, 1994, the County Council received Regulation No. 17-94AM, Through Traffic Volume Access Restrictions in Residential Areas, amending the October 13, 1994, version from the County Executive.
- (3) The regulation proposed by the County Executive must be reviewed under Method (2) of Section 2A-15 of the Code.
- (3) Under Method (2), if the Council does not approve or disapprove a regulation within 60 calendar days after receipt, the regulation automatically takes effect. In this case the deadline for action is December 12, 1994.

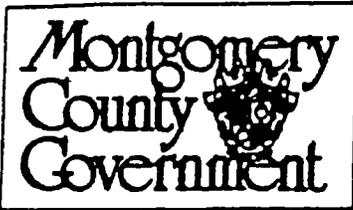
Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Executive Regulation No. 17-94AM, Through Traffic Volume Access Restrictions in Residential Areas, is approved.

This is a correct copy of Council action.


Kathleen A. Freedman, CMC
Secretary of the Council



Executive Regulation

Office of the County Executive
Montgomery County, Maryland

Subject THROUGH TRAFFIC VOLUME ACCESS RESTRICTIONS IN RESIDENTIAL AREAS	Number 17-94 AM
Originating Department TRANSPORTATION	Effective Date November 1, 1994

**THROUGH TRAFFIC VOLUME ACCESS
RESTRICTIONS IN RESIDENTIAL AREAS**

Issued By: County Executive
Regulation No. 17-94

Authority: Code Section 31-69
Supersedes: none

Council Review: Method (2) under Code Section 2A-15
Register Vol. 11 No. 9

Effective Date: November 1, 1994
Comment Deadline:

SUMMARY: The regulation sets criteria for evaluating neighborhood requests and the subsequent public comment process prior to installation of traffic access restrictions on residential streets.

ADDRESSES: Chief, Division of Traffic Engineering
Montgomery County Department of Transportation
101 Monroe Street, 11th floor
Rockville, Maryland 20850

STAFF CONTACT: Sarah R. Navid, telephone 217-2190

BACKGROUND INFORMATION:

This is a new regulation submitted to the County Council to implement the provisions of Section 31-69 of the Montgomery County Code, "Residential Traffic Management Areas."



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I. PURPOSE AND OBJECTIVES

The objective of this regulation is to enhance neighborhood traffic safety and maintain "livable" residential environments by providing a procedure for reducing excessive volumes of through traffic. This policy provides a systematic and uniform approach to the decision making necessary to implement traffic access restrictions to discourage through traffic on residential streets.

Residential traffic volume management is desirable to ensure pedestrian and vehicular safety, prevent noise and air pollution, vibration, and pavement deterioration, and maintain visual tranquility. However, public policies must recognize that traffic volumes exist because those who live or work in the County depend on the mobility afforded by the automobile as a primary means of transportation. Every resident driving a vehicle in some other residential area outside his or her own neighborhood becomes a "cut-through driver" or a "commuter". One resident's use of the public roads for necessary travel to work, schools, shopping or the library may be perceived by another resident as an "excessive" traffic presence. This policy attempts to balance the needs of all impacted parties while maintaining the efficient and appropriate use of County streets.

II. DEFINITIONS

As used in this Executive Regulation, the following definitions apply:

Access restriction - a prohibition or barrier preventing full or directional entry into or through a particular street; a prohibition may be for specific times or at all times.



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Arterial roadway - a road that serves to move traffic between major highways or other arterial roads providing a high level of traffic service and a moderate level of direct access to local development.

Director - The Director of the Department of Transportation.

Major highway - a roadway with limited or controlled access that carries high through traffic volumes between freeways, central business districts and other major traffic generators. Major highways provide a high level of traffic service and a low level of direct access to local development.

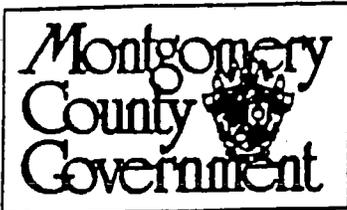
Management plan - that group of traffic controls, which may include signs, pavement markings, and physical devices or barriers, designed to reduce, divert or discourage non-local traffic in a particular neighborhood or on a particular neighborhood street.

Non-local traffic - those vehicles entering or exiting a neighborhood street and having a registration address further than 3/4 mile (4000 feet) straight line distance from any point on the street under evaluation; estimated by means of a license tag survey sample or other appropriate methods.

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.

Primary residential street - a neighborhood street serving as a collector for local traffic from secondary and tertiary residential roadways, designed to feed traffic to arterial and major highways. Primary roadways provide a moderate level of traffic service and a high level of direct residential property access. A Master Plan primary street is a street so designated in a Master or Sector plan.

Secondary residential street - a neighborhood street providing a high level of direct residential access and a limited level of traffic service; not intended to provide for traffic traveling through the neighborhood.



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Tertiary residential roadway - a neighborhood roadway with similar function to a secondary street but having a narrower right-of-way and typically ending in a cul-de-sac.

Through traffic - vehicular traffic entering or exiting a neighborhood without origin or destination in that neighborhood.

Traffic shed - that system of interconnected roadways within a neighborhood or portion of a residential community feeding into one or more arterials or major highways.

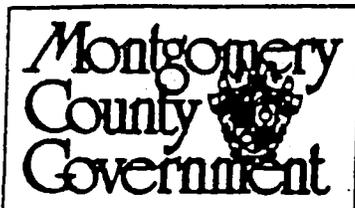
Traffic Volume Management area - that neighborhood or portion of a residential community which encompasses a natural traffic shed and whose residents may be required to use alternate access routes to or from their residences if a particular traffic access restriction was installed on one or more streets within its boundaries.

Volume - the number of vehicles that cross a specific point on a given section of roadway during a specified time period.

III. APPLICATION PROCESS AND ELIGIBILITY ANALYSIS:

A. Application

A request for neighborhood through traffic volume restrictions may be made by a local citizens association which represents a significant number of residents or by a petition from 15 percent of the households in an area being proposed for traffic restrictions. The Department of Transportation ("the Department") will provide a standard application form for this purpose. Neighborhoods which had submitted written requests for volume restrictions prior to adoption of this Regulation will not be required to re-apply.



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B. Eligibility

The Department must assess the area described in the application and adjust boundaries as appropriate to delimit the traffic shed. Once the Department defines this initial proposed traffic volume management area, the Department must conduct an eligibility analysis. Eligibility of one or more streets in a residential area for volume restrictions must be based on satisfying criteria for :

- * street classification;
- * measured traffic volumes; and
- * estimated non-local traffic.

1. Street Classification

Only tertiary, secondary and primary residential streets are eligible for volume restriction measures.

2. Traffic Volume

The Department must utilize traffic counts to determine traffic volume levels on those streets and during those time periods of concern as described in the residents' application. Counts conducted previously and on file may be used if, in the Department's judgement, they reasonably accurately depict current conditions. Otherwise, new counts must be performed. The counts must show that on at least one street in the proposed traffic volume management area for at least one



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hour of a weekday peak period or other, "off-peak" time period, the following two-directional volumes are met:

* 400 vehicles per hour on a Master Plan primary street that operates with two unobstructed travel lanes, one for each direction of travel; or

* 250 vehicles per hour on a residential street, not designated as primary in the Master Plan, that based on width and parking characteristics, operates with two unobstructed travel lanes, one for each direction of travel; or

* 100 vehicles per hour on any residential street that based on width and parking characteristics, operates with only one unobstructed lane for travel in both directions.

3. Non-local Traffic

Non-local traffic must exceed 50 percent of the highest hourly volume. Non local traffic volume may be estimated by means of a license tag survey sample or by other appropriate methods.

If the Department determines that a street under consideration does not meet the eligibility criteria, the applicant must be so informed. An ineligible street(s) must not be re-evaluated again for at least three years, unless a significant change occurs in land use, traffic patterns or other conditions that would significantly change the eligibility analysis



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results.

The Director may waive the Traffic Volume and Non-local Traffic criteria when special circumstances require through traffic volume access restrictions to achieve specific traffic safety or planning objectives.

C. Prioritization

The Department must prioritize all applications that it determined are eligible for further consideration. The initial prioritization, for all eligible applications that had been submitted prior to adoption of this Regulation, must be conducted as soon as possible after the Department completes the eligibility analyses. Thereafter, prioritization must be conducted semi-annually, in February and August of each year.

Priorities must be based on point scores assigned to the street which met the eligibility criteria. The Department must select those applications with the highest point scores to move on to the project development phase. The number of projects selected must be based on available staff and fiscal resources. In cases where more than one street in the proposed traffic volume management area met the eligibility criteria, all eligible streets will be assigned point scores, but only that street with the highest score will be used to prioritize the application.

Points must be assigned for each eligible street as follows:



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Volume - 10 points for each 10 percent that traffic volumes are above the minimum criteria.

Non-local Traffic - 20 points for each 10 percent that non-local traffic percentages are above the minimum criteria.

Speeds - 2 points for every 1 MPH that the operating speed (85th percentile) is above the speed limit.

Pedestrian Activity and Facilities - 10 points if there are no sidewalks on the street; 5 points if there are sidewalks on only one side or discontinuous sidewalks; 5 points for each major pedestrian generator on the street (e.g. school, playground, park); 5 points if the street is a designated on-road bike route; 1 point for each school or transit bus stop.

Parking/Driveways - 10 points for dense on-street parking or very closely spaced driveways; 5 points for moderate on-street parking or relatively closely spaced driveways.

Visibility restrictions - for restrictions caused by road configuration, natural features, unremovable foliage, etc. -- 10 points for many restrictions; 5 points for moderate levels.

Accidents - 2 points for each reported property damage only accident (including reports to police or by resident affidavit) and 5 points for each documented injury accident, over a three year period.



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IV. PROJECT DEVELOPMENT

A. Preliminary Plan

On the basis of the data collected and analysis performed to determine eligibility and priorities, the applicant and the Department must develop a preliminary Through Traffic Volume Management Plan. Fire and Rescue Services must be consulted as appropriate in the development of the plan.

The goal of the plan must be to address both the concerns of the neighborhood and the prevailing traffic conditions, by implementing the least restrictive traffic control measures and by implementing appropriate pedestrian safety improvements. This may result in a plan that does not include traffic controls which directly restrict or prohibit access into or through a neighborhood. Only plans that include traffic controls which directly restrict or prohibit access into or through a neighborhood are subject to the processes subsequently prescribed in this Regulation. These traffic controls include signs or physical barriers that establish turn or entry restrictions, one-way residential streets, or mandatory turns. Speed restraint devices such as speed humps or small traffic circles and pedestrian safety improvements such as crosswalks or sidewalks are addressed under separate processes established by the Department.

The complete physical closure of a street is not authorized by this regulation, but rather must follow the requirements contained in the Montgomery County Code, Section 49, Article V, "Abandonment and Closing of Roads and Drainage Right-of-Way". The Director may determine that some



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plans which do not include proposed access restrictions, nevertheless present significant issues related to traffic diversion potential and must undergo the processes subsequently prescribed in this Regulation.

It is the Department's responsibility to evaluate impacts of the proposed plan and to ensure that the plan reflects the governing law(s) and the application of sound public policy. Accordingly, the Department's initial development and assessment of a proposed Through Traffic Volume Access Restriction Plan must consider the following factors:

- 1. Impact on surrounding residential communities - The impact on other streets of residential character to which traffic may be diverted as a result of traffic restrictions sought by the applicant must be evaluated, based on the particular characteristics of those roads, including but not limited to the same factors used in the eligibility and prioritization processes in Sections II and III above. The Department must not recommend a plan that would result in excessive through traffic in other residential areas on primary, secondary or tertiary streets.*
- 2. Impact on surrounding arterial/major road network - The ability of the surrounding road network and nearby signalized intersections to safely and efficiently accommodate the diverted traffic must be evaluated. Although impacts on the surrounding arterial and major road network will be assessed, traffic volume increases alone must not automatically preclude consideration of a Through Traffic Volume Access Restriction Plan.*



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3. Impact on public facilities and other community destinations - The Department must evaluate whether there would be an adverse impact on access to a public facility, such as a school, park, or library, or other significant community destinations such as a church, shopping center, or other business area.
4. Compatibility with master/sector plans - The Department, in consultation with Planning Board staff, must evaluate whether the proposed plan complies with approved and adopted master plans. Any "Planning Board Draft" master plan for the area must also be considered.

B. *Community Discussion Paper*

The Department must report its preliminary assessment in a "Community Discussion Paper", which must include:

1. a copy of the applicant's request;
2. a summary of the eligibility and point score;
3. a description of the preliminary through traffic volume restriction plan, and;
4. the impact analysis conducted by the Department

This document will serve as the basis for the discussions with residents and other potentially impacted parties in the community assessment phase.



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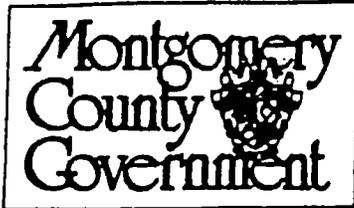
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C. Community Assessment

The main objective of the community assessment is to ensure public disclosure and access to information. The Department and the applicants must identify parties, e.g. citizens associations, organizations, municipalities, local chambers of commerce, schools, hospitals, businesses, parks, and other community facilities and organizations potentially impacted by proposed through-traffic volume access restrictions.

The steps in the community assessment process are:

1. Public Notification - The Department must disseminate notices and the Community Discussion Paper to potentially impacted parties including nearby Citizens Associations registered with the Planning Board for a 30-day public notification period. Signs announcing the specific access restrictions under consideration, with a telephone number to call for information, must be posted for the same 30-day period. A copy of the notice must be sent to the County Public Information Office.
2. Working Groups and/or Meetings - The Department must seek advice on the proposed plan from affected residents and other interested parties through regular open meetings of informal working groups or other reasonable means.
3. Advisory Committee - In cases where the proposed plan affects a significant number of varying interest groups, is very complex or is



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anticipated to cause significant community impacts, the Department may recommend creation of an Advisory Committee, consisting of from five to nine members, to assist in developing a final plan. The Department must recommend to the County Executive candidates for appointment and confirmation by the County Council. When possible, the task force members must be fairly balanced between the applicants and the surrounding or general community.

D. Final Plan

Within 60 days after the close of the notification period (or 60 days after confirmation of an Advisory Committee), the Director must recommend a final plan and the boundaries of the area in which it would be implemented. The Director also must recommend whether the plan should be implemented as a test project or permanent project, and must develop a set of criteria by which the success or failure of a test project will be measured if it is recommended as a test project.

E. Public Hearing

Within 60 days after the Director recommends a final plan, the Executive or a designee must hold an evening public hearing to present the proposed plan and receive public testimony. Notice of the hearing must be published for two consecutive weeks in a newspaper of general circulation in the County with the last publication at least 15 days before the hearing. The notice must specify the boundaries of the proposed area, describe the proposed plan, and tell where to obtain more information. A sign giving notice of



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the hearing must be posted prominently in the area. A notice of the hearing must also be sent to all the parties contacted under the initial public notification step. The hearing record must be held open up to 30 days.

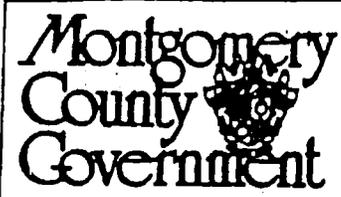
The Executive must issue a statement of decision within 30 days after the hearing record closes. A copy of the Executive's decision must be mailed to the previously contacted parties, the applicants, and all persons who submitted written comments or spoke at the public hearing.

In considering whether to approve a proposed access restriction plan, the Executive must consider the factors listed in Section 31-69(f) of the County Code.

Approval of a proposed access restriction plan by the Executive must be based on a judgment that the benefits of the plan to residents of the specific neighborhood or streets covered by the plan outweigh the potential impacts to the surrounding community, arterial/major road network, and public facilities or other destinations. On the basis of the information received during the hearing process, the Executive may revise the plan. The Executive's decision must specify the boundaries of the area where the plan will be implemented, and whether the plan will be initially implemented as a test installation or permanent installation.

F. Implementation Petition

Before final approval of an access restriction plan by the Executive as a



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Method 3 regulation, the Department must ask the applicants to collect a petition for implementation from residents in the area approved by the Executive. A signature on the petition by a simple majority of households (one adult resident signature per dwelling unit) within the area must be received to adopt the plan.

V. IMPLEMENTATION

A. Test Installations

The Department must implement test installations within 60 days (weather permitting) after receipt of the required implementation petition. Within three to 12 months after a test installation, the Department must evaluate the plan's performance using the criteria established by the Director. The Director will decide whether to retain the plan on a permanent basis. If the decision is negative, the test installation must be removed. If the decision is positive, notice that the test was deemed successful and that the installation will remain or be constructed in permanent form, will be posted for 30 days (following the same posting procedure as specified in Section IV.C.1).

B. Permanent Installations

The Department must implement a permanent plan as soon as practicable after receipt of the required implementation petition or a decision to make a test installation permanent. Plans requiring only passive traffic control devices (e.g. signs and markings) must be implemented within 60



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days, weather permitting. Plans requiring physical devices (e.g. construction) must be placed on the capital improvement program schedule, dependant on funding availability.

If within 90 days after a permanent installation, significant unanticipated problems develop as a result of the installation, or at any time if documented safety problems develop, the Department may suspend the plan and re-open the process. Public notification will follow the same procedure specified in Section IV-C,1.

VI. REASSESSMENT

Not earlier than three years after installation of traffic control devices, the Department may decide to reassess a through traffic volume access restriction plan that was installed either before or after this regulation became effective. Upon receiving:

- 1. a petition for removal or major alteration of access restrictions signed by at least 35% of the households (one adult signature per dwelling unit) in the Traffic Volume Management Area (see Definitions) as implemented; or*
- 2. a petition from at least 35% of the directly impacted households as defined by the Department (one adult signature per dwelling unit) in an adjacent residential neighborhood within a distance of 3/4 mile from the access restrictions, explaining why traffic restrictions are no longer*



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required due to changed conditions, or why the restrictions are causing undue burdens or significant safety problems which were not considered in the original decision to implement the plan.

the Department must hold a public hearing. After the public hearing, the Department must decide whether to retain the plan or re-assess the plan. If the Department decides to reassess, the Department must conduct a new traffic study and prepare a Community Discussion Paper evaluating the alternatives and their impacts. The project development process as specified under Section IV-C,D,E must be followed.

After completion of a reassessment process, further requests for reassessment of an access restriction must not be considered until an additional three years has elapsed.

County Executive

APPROVED FOR FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY *Gayle L. Curtis*
DATE *10/28/94*