

AN ORDINANCE TO AMEND CHAPTER 61
OF THE MOBILE, ALABAMA CODE OF ORDINANCES
TO ESTABLISH POLICIES AND PROCEDURES FOR TRAFFIC CALMING MEASURES
AND CLOSURES OF STREETS, ALLEYS AND PUBLIC WAYS

Sponsored by: Councilor(s) _____

WHEREAS, Code of Alabama Sec. 11-43-56 vests management and control of municipal streets, alleys and public ways in the City Council; and,

WHEREAS, the decision to close any street, alley or public way is committed to the legislative discretion of the City Council; and,

WHEREAS, City Code Sec. 57-233 designates the City engineer as the principal city official responsible for administration of the right-of-way, right-of-way permits, and the ordinances related thereto, and City Code Sec. 61-48 creates the office of the City traffic engineer to carry out the additional powers and duties imposed by ordinances of this city in regards to traffic; and,

WHEREAS, in the exercise of its legislative powers the City Council desires to set forth policies and procedures in regards to implementing traffic calming measures and closures of streets, alleys and public ways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that Chapter 61 of the Mobile City Code, 1991, is hereby amended to add a new Article XI as follows:

**ARTICLE XI – TRAFFIC CALMING AND CLOSURES
OF STREETS, ALLEYS AND PUBLIC WAYS**

Sec. 61-397. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Traffic calming device* means any device installed in the roadway designed to limit vehicle operating speeds and to encourage vehicles to seek alternative routes, including, but not limited to, the following:
- (2) *Rumble strip* means a series of small raised pavement undulations, often seen on the approaches to intersections on high speed roadways. The rumble strip is a series of five to seven raised pavement areas, each being eight inches wide and one-half inch high, spaced on ten inch gaps.

- (3) *Speed bump*, also referred to as a *speed breaker*, means a raised pavement section typically less than one foot wide and three to four inches in height, typically found in commercial parking lots and driveways. The design of speed bumps generally makes them inappropriate for use on the public right-of-way.
- (4) *Speed hump* means a raised pavement section typically 12 to 14 feet long and three inches high. Speed humps typically have the cross section of a section of an arc of a circle, and extend from edge of asphalt paving to edge of asphalt paving on the roadway without obstructing the gutter using a 12-inch taper to the gutter seam. Typical materials for the construction of a speed hump are asphalt, concrete, rubber, and brick.
- (5) *Speed lump*, also known as speed cushions, are a variation of speed humps. Instead of a continuous hump, it is divided into several smaller sections which allows for unobstructed passage of emergency vehicles, buses, trucks and other wide wheelbase vehicles and allows for improved drainage. The gaps are spaced such that only one set of standard vehicle tires will go through the gap while the other set of vehicle tires must go over the hump.
- (6) *Speed table* means devices similar to speed humps, except that the overall length of the table is extended to approximately 22 feet, which allows for a ten- to 12-foot flat area on top of the speed hump. This flat area is sometimes used as an area for pedestrian crossing and is known as a raised crosswalk.

Sec. 61-398. - Approval required prior to installation; traffic calming study and criteria.

No new traffic calming device shall be installed along a roadway in the City without the prior approval of the City Council. Prior to the installation of a new traffic calming device upon any roadway in the City, there should be a city-conducted investigation as to whether traffic calming is necessary in a certain area which may or may not recommend the installation of traffic calming device(s) based upon the following warranting criteria:

- (1) *Traffic volume criteria.* Traffic calming devices will not be considered for roadways which have less than 750 total vehicles traveling in both directions on a daily basis, nor more than 7,500 total vehicles traveling in both directions on a daily basis.
- (2) *Speed criteria.* Traffic calming devices will not be considered unless the average travel speed of all vehicles observed is equal to or greater than 35 miles per hour or the 85th percentile travel speeds of all vehicles is equal to or greater than 40 miles per hour.
- (3) *Roadway classification criteria.* Traffic calming devices will not be installed on roadways which are classified in the City's major street plan.

- (4) *Roadway geometric criteria.* Traffic calming devices will not be installed in the following roadway geometric conditions:
- a. A horizontal curve or a vertical curve where the visibility of the traffic calming device is restricted, or on an approach to such curves;
 - b. On roadways at any location where the grade exceeds five percent, including the approaches to each traffic calming device installation;
 - c. On roadways more than two lanes wide or less than 18 feet wide;
 - d. On roadways having a posted speed limit of greater than 30 miles per hour;
 - e. Where placement of traffic calming devices are impractical due to the location of the public roadway intersections and/or driveways.

- (5) *Accident criteria.* Accident patterns should be studied to determine trends of accidents which:
- a. Might have been prevented if vehicle operating speeds were generally lower on the subject roadway; or
 - b. Might have been more severe if traffic calming devices were in place.

There are no criteria for the minimum number of accidents which might have been prevented if operating speeds were generally lower. However, there must have been no more than two accidents in the three-year period which would have been possibly made more severe if traffic calming devices were in place.

- (6) *Traffic diversion criteria.* An estimate of the diversion of traffic to other residential roadways which would result if traffic calming devices were installed on the roadway, which is the subject of the complaint, should be performed. Traffic calming devices will not be installed if the traffic diversion would result in a traffic increase on any other residential roadway of 50 percent or more for that roadway.
- (7) *Emergency access and route criteria.* Traffic calming devices shall not be permitted on roadways which serve as a primary route for emergency vehicles (defined as an average of at least five emergency vehicles a day or an emergency call) or a primary access route for emergency vehicles into an area of 100 or more residential dwelling units or ten or more businesses.
- (8) *Public involvement criteria.* Public requests for the installation of traffic calming devices shall be submitted by petition to the City Council via the City Clerk. The preferable method of public involvement for the installation of traffic calming devices is through an established homeowner's association. In the absence of a homeowner's association, or if the geographic area encompassed by the homeowner's association exceeds or does not cover the impact area of the proposed traffic calming device installation, the input of those persons or entities owning property within a geographic area reasonably determined by the City to be impacted

by the proposed traffic calming device shall be considered in the public involvement process.

- a. Persons seeking traffic calming devices shall appoint a single individual to act as a point of contact between the City and the represented group, who shall endeavor to meet with City staff prior to the submission of a petition to first attempt to resolve the request and, if unsuccessful, to identify those persons or entities whose approval is necessary criteria for submitting a valid petition to the City Council. No petition shall be considered where the petitioners have not first attempted to resolve the request by meeting with City staff.
 - b. The installation of traffic calming devices via petition must meet the investigatory and other criteria of Sections 61-398 and 61-399 and must be approved by a 75 percent majority of all dwelling units within the confines of either the homeowner's association or geographic impact area as determined by the City. In any case, only one signature/vote on a petition per dwelling unit in the affected area will be counted.
 - c. Types of traffic calming devices, locations thereof, and other similar determinations, if any, shall be made in the sole discretion of the City.
 - d. Upon receipt of such petition a copy of same will be submitted to the Mayor, the City engineer, the City traffic engineer, the police chief, and the fire chief. If the City Councilor in the applicable district agrees to sponsor a resolution to approve a traffic control device or devices pursuant to petition, same shall be prepared by the City Clerk and submitted to the Council no earlier than thirty (30) days after the petition is forwarded to the Mayor, et al. The resolution will state the general location where the traffic calming device or devices should be installed. All other criteria as to types of devices and placement thereof shall be in the discretion of the City engineer or City traffic engineer.
- (9) *Costs.* For traffic calming devices to be installed due to petition from the public, the petitioners shall be responsible for the cost of installation. The City traffic engineer will determine the cost for same and provide the amount to the petitioners' point of contact which cost must be paid before the device(s) can be installed. The costs of any traffic calming devices installed at the initiative of the City or City Council, if approved, shall be borne by the City.

Sec. 61-399. - Limitations on placement.

The following shall be limitations upon the use or installation of certain traffic calming devices in the City:

- (1) *Speed bumps.* Because of their design, speed bumps are generally considered inappropriate for use on the public right-of-way.
- (2) *Speed humps.* Speed humps shall not be placed in the following locations:
 - a. On horizontal and vertical curves, or the approaches to such curves;
 - b. On a grade of five percent or greater, or the approach to such grades;
 - c. Adjacent to a driveway;
 - d. Within 250 feet of a traffic signal;
 - e. Within 50 feet of a public roadway intersection;
 - f. Over or near manholes;
 - g. Adjacent to fire hydrants; or
 - h. Immediately upstream of drainage inlets.
- (3) *Rumble strips.* Rumble strips are not recommended for use in traffic calming situations. Any recommendation calling for their use should be accompanied by a compelling reason.
- (4) *Striping, signage and pavement markings.* Any recommendation to install a traffic calming device should include recommendations for appropriate striping, signage and other pavement markings to delineate the traffic calming device.

Sec. 61-400. – Closures of Streets, Alleys and Public Ways.

- (1) *Closure by City Council.* Pursuant to its statutory and inherent legislative and police powers, the City Council may temporarily or indefinitely close or partially close any street, alley or public way to vehicular or foot traffic whenever it determines such closure necessary for any reason it deems to be in the public interest. Any closure for an indefinite time period shall not be deemed to be a vacation or abandonment of the affected street, alley or public way, and the Council may elect to re-open such street, alley or public way at any time. The Council in its discretion may, but is not required to, call a public hearing to discuss the impact of such closure prior to taking action on the closure.
- (2) *Closure by Administration.* The Mayor, Director of Public Safety, Police Chief, Fire Chief, City Engineer, or City Traffic Engineer may temporarily close or partially close any street, alley or public way to vehicular or foot traffic whenever any of them determine such closure to be necessary for any reason they deem to be in the public interest for no more than sixty (60) total days in any calendar year per section or area closed. City Council approval must be obtained for desired closures in excess of sixty (60) total days in any calendar year. Notwithstanding the

foregoing, there shall be no time limitations for closures due to construction projects provided the closure is reasonable in length and scope in the context of the construction project.

- (3) *Closure by City Council Pursuant to Petition.* In residentially zoned areas where persons or entities have first sought and obtained traffic calming devices and met investigatory criteria as set forth in Sections 61-397, 61-398 and 61-399, or where other traffic calming measures have first been implemented by City staff pursuant to said investigatory criteria, and where, despite the implementation of such traffic calming devices or measures traffic in the area at issue continues to meet and/or exceed, as applicable, the criteria set forth in Section 61-398, those persons deemed to be eligible petitioners pursuant to Section 61-398(8), utilizing the same methods and procedures set forth therein, may petition the City Council, via filing a petition with the City Clerk, for an indefinite closure of a street or public way location to vehicular traffic where traffic calming devices or measures have demonstrably failed to achieve the desired effect of reducing traffic speeds and volumes.
- a. In addition to being signed by those persons or entities required by Section 61-398(8), the petition must:
- i. Describe and identify the street or public way proposed to be closed;
 - ii. Describe exactly where the street or public way is proposed to be barricaded, etc., and include a drawing of same with reasonable detail;
 - iii. Identify all owners of properties as required by Section 61-398(8), identify any entity known or suspected to have facilities or equipment such as utility lines located within the street or public way proposed to be closed, and include three (3) sets of printed adhesive labels that can be used to mail notices to such persons or entities;
 - iv. Describe all prior efforts to alleviate the traffic situation, including communications with City staff, and describe how such efforts have not obtained the desired effect;
 - v. Include a \$100.00 filing fee payable to the City of Mobile.
 - vi. Any petition not meeting these criteria shall be considered incomplete.
- b. Following receipt of the petition, the City Clerk will forward the petition and any other submitted documentation to the Mayor, the City engineer, the City traffic engineer, the police chief, the fire chief, the City attorney, the Council attorney, the real estate department, the right-of-way department, and the community and housing development department, for their review and comment. Written comments and objections from such persons or departments, if any, must be received by the City Clerk within thirty (30) days thereafter in order to be considered by the Council.

- c. After the thirty (30) day comment/objection period has passed the City Clerk will prepare a resolution to set a public hearing on said proposed closure to be presented to the City Council. The public hearing will be scheduled at a date and time to-be-determined by the City Council at least forty-five (45) days thereafter. Notice of the hearing shall be provided as set out in Section 36-25A-3 of the Code of Alabama for notice of meetings and shall describe the street, alley, or public way, or portion thereof, requested to be closed in the petition. A copy of the notice shall also be served by U.S. Mail at least 30 days prior to the scheduled hearing to any owner identified in Section 61-398(8) and to any entity identified by petitioner as being known or suspected to have facilities or equipment such as utility lines, both above-ground or buried, within the public right-of-way of the street or alley, or portion thereof, requested to be closed in the petition.
- d. In addition to the aforesaid notice provisions, two signs shall be conspicuously posted at the location of the street, alley, or public way, or portion thereof, requested to be closed in the petition. The signs shall be plainly visible to passers-by and posted no less than 15 days before the day of the scheduled public hearing and shall remain so posted at all times until the hearing has been held. The signs shall be weatherproof and the petitioners shall be responsible for obtaining and posting such signs and providing photographic proof to the City Clerk that such signs were and remained posted as required herein. The wording on the signs shall not be less than two inches in height and shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
APPLICATION HAS BEEN MADE TO THE CITY OF MOBILE TO
CLOSE THE STREET, ALLEY OR PUBLIC WAY ADJACENT
HERETO. FOR MORE INFORMATION CALL THE
MOBILE CITY CLERK'S OFFICE
AT 251-208-7414.

- e. The person(s) who submitted the petition shall pay all costs of scheduling the public hearing and providing notice thereof, including the costs of advertisement, mailing, and posting the signs required by this section. The Clerk shall submit an invoice to the petitioner for such costs which must be paid prior to the scheduling of such hearing. Failure to pay such costs shall constitute a withdrawal of the petition unless the City Council grants a waiver of this requirement.
- f. The City Council may consider in regard to any proposed closure the present and long term effects on existing utilities, proposed utilities, master traffic plan, traffic patterns, traffic counts, reasonable and convenient ingress and egress, public services, and any other factor deemed relevant by

the City Council. Any representative of the Mayor or any City department shall be entitled to speak at such hearing.

- g. Any closure may be subject to reservations of rights in the City or conditioned upon other factors, in the discretion of the City Council.
- h. Any closure hereunder shall not be deemed to be a vacation or abandonment of the affected street, alley or public way, and the City Council reserves the right to re-open any such street or public way closed at any time.
- i. For closures approved based on petition from the public, the petitioners shall be responsible for any costs of closure. The City traffic engineer will determine the cost for same and provide the amount to the petitioners' point of contact which cost must be paid before the closure can be finalized.

- (4) *Means of Closure.* Closures as set forth in this Section should be evidenced by barricades, lights, signs, or other warning devices or structures. For closures of indefinite time periods, or longer than sixty (60) consecutive days, and upon recommendation of the Public Safety Director, Police Chief or Fire Chief, the City should install a manual gate(s) or, where circumstances warrant, electronically controlled remote-access gate(s), at appropriate locations in the closed street, alley or public way so as to allow ingress and egress by public safety vehicles.
- (5) *Enforcement.* It shall be unlawful for any person to enter or pass or to cause or allow any vehicle to enter or pass upon or through any such closed area of a street, alley or public way when warned of the closure either verbally or by means of the existence of any barricade, light, sign or other warning device or structure, and it shall also be unlawful for any person to drive a vehicle upon or against, or to knock down, tamper with, or remove any such barricade, light, sign or other warning device or structure.
- (6) *No Deprivation of Access.* No closure as set forth in this Section shall deprive any person, entity or business, or customers thereof, access to the property or location of such person, entity or business, and the City should endeavor to make sure that reasonable access to such property or location is maintained throughout the period of closure if reasonable alternate access points are not available.

Sec. 61-401. – Miscellaneous Provisions.

- (1) *Severability.* If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each article, section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact

that any one or more article, section, subsection, subdivision, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of Alabama.

- (2) *General Repealer.* Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
- (3) *Effective Date and Jurisdiction.* This ordinance shall be effective within the City of Mobile and its police jurisdiction immediately upon its enactment and publication as required by law.

ADOPTED: _____

City Clerk