



Transportation Advisory Board Report

Date: September 15, 2009
To: Transportation Advisory Board
From: Alan Sanderson, Deputy Transportation Director
Subject: Temporary Traffic Control Program

Purpose

The purpose of this report is to inform the TAB about the Temporary Traffic Control (TTC) program being developed, and provide an opportunity for comment before it is presented to the City Council.

Background

One of the topics discussed with City Council during the preparation of last fiscal year's budget was the concept of establishing a formal Temporary Traffic Control program to review, pre-approve, coordinate and inspect temporary traffic control in the public right-of-way. Council at the time provided direction to establish a formal TTC program, and to modify the existing "Traffic Barricade Management Inspection" fee. At the time, this fee was charged based on the number of sheets in the plan set submitted when someone applied for a permit to work in the City's right-of-way. The Council accepted the staff recommendation to change the fee to one based on how long a project would have restrictions in place. The fee was renamed to "Temporary Traffic Control Fee," and varies depending on how long restrictions are planned to be in place: \$100 for restrictions lasting 1 to 3 days, \$300 for those lasting 4 to 15 days, and \$600 for restrictions from 16 to 30 days. The fee change was effective as of July 2008. No new fees are being recommended.

Staff has been developing the various components needed to implement a formal TTC program. Changes in City code are recommended at this time to authorize and implement the program.

Discussion

Need for the Program

Inappropriate or improper temporary traffic control measures result in unnecessary delay, cost, inconvenience, and increased risk to the public and workers. At any given time there are numerous entities working in the public right-of-way including various City crews, contractors working for the City, private development contractors, utility companies, and others. The City has no formal process for reviewing, approving and coordinating all requests for temporary restrictions in the right-of-way.

When a complaint is received about a traffic restriction or barricade setup, it is necessary to contact a number of different departments to determine who is responsible for the work.

The proposed program will promote traffic safety and efficiency by coordinating street and sidewalk restrictions, and minimizing unauthorized and improper restrictions. It will contribute to making the City of Mesa a safer and more convenient place to travel, help reduce travel frustration, improve work zone safety, maintain emergency vehicle access, create positive public relations and reduce potential liability.

Program Development

Developing the proposed TTC program involved numerous activities, including:

- Researching programs in other cities
- Reviewing relevant City code language and drafting new language
- Drafting program rules and procedures
- Discussion with City departments involved in construction in the right-of-way
- Discussion with the City Court on the process to handle citations if necessary
- Creation of a database for managing TTC applications and issuing permits
- Establishing a procedure to identify potential conflicting restriction requests
- Establishing a process for sharing necessary information between Building Safety, which issues right-of-way permits and collects permit fees, and Transportation
- Developing educational and outreach materials about the new program

Some of these activities are ongoing such as discussion with other City departments, and development of outreach materials. Education and outreach will take place as the program is implemented. The proposed program is set up to allow the rules and procedures to be modified based on feedback from customers and City staff so any problems can be addressed and the procedures fine tuned.

Key Elements of the TTC Program

Under the proposed TTC Program, any person, contractor or agency, including City departments, needing to restrict a street, sidewalk, or any other portion of a City transportation facility will need approval from the Transportation Department for the restriction. The Transportation Department will review requests, track and monitor restrictions and closures to minimize impact to the traveling public and gain compliance with temporary traffic control standards. Transportation will work with contractors and City departments to plan work zones that provide safe work areas for both the workers and the public while minimizing impact on the traveling public as much as practical.

The goal is to cause everyone working in the public right-of-way to plan ahead for any necessary restrictions, and to gain voluntary compliance with the requirements and standards for traffic control per the Mesa Traffic Barricade Manual. However the program will also include the ability to issue citations in cases where people simply refuse to comply.

Contractors in the area are familiar with this type of program because it exists in

several valley cities. Phoenix, Chandler, Tempe, Scottsdale, Glendale and Gilbert as well as Tucson have similar programs for approving and monitoring temporary traffic control.

The Transportation Department will publish specific rules and procedures, which may be revised from time to time based on experience and customer feedback. The proposed initial procedures and rules, and draft application form are attached as Attachment A. Applications can be submitted via a paper form in person or by fax, or by email after filling out the form on the City's web site. Restrictions and closures for Capital Improvement Program (CIP) projects, which are bid by the City, would be coordinated through the Engineering Department inspectors responsible for each CIP project.

City Code Changes

Adding a new chapter to Title X of the City code is recommended to authorize the TTC program. Title X is the Traffic title of the code, and the addition would be Chapter 10—Temporary Traffic Control. Attachment B is the proposed new Chapter 10.

Staffing

The Transportation Department currently has one filled Traffic Barricading Coordinator position and one Administrative Support Assistant II dedicated to temporary traffic control. A second Traffic Barricading Coordinator position is in the budget, but it has not been filled due to the City's tight budget situation, and the reduction in construction activity due to the economic downturn. In addition, two other staff members assist part time to help with temporary traffic control issues as needed. The staff works with contractors and City departments to provide traffic control expertise and assist with issues as they arise, and responds and resolves customer concerns related to temporary traffic control.

Fiscal Impact

Annual direct cost for staff working on temporary traffic control is approximately \$205,000. All costs are included in the current budget, and are funded by a combination of permit fees (approximately \$35,000 for FY 2008-09) and Highway User Revenue Funds. The amount funded by permit fees will vary with the amount of permit work being done. With the downturn in the economy resulting in almost all private development projects coming to a stop, the revenue from permit fees was relatively low last fiscal year.



Alan Sanderson, P.E.
Deputy Transportation Director—Traffic Engineering

Attachment A

Draft Rules and Procedures

Draft TTC Permit Application Form

TEMPORARY TRAFFIC CONTROL PERMIT RULES & PROCEDURES

A. PERMISSION TO RESTRICT PUBLIC WAYS REQUIRED. Prior Transportation Department approval is required for all restrictions (partial or full) on any public way including streets, sidewalks, alleys, bike lanes, or multi-use paths within the City of Mesa except as noted in B below. While issuance of a Temporary Traffic Control (TTC) permit authorizes the facility to be restricted as indicated on the permit, it does not guarantee any exclusive right to occupy a particular portion of the public way. Weather, emergencies, incidents or other planned projects might temporarily curtail construction and maintenance activities for which a permit has been issued. Coordination with others working in the area is the responsibility of those doing the work.

B. EXCEPTIONS. A TTC permit is not required for a restriction for which **ALL** of the following apply:

1. Restriction lasts less than one (1) hour, and
2. Only one (1) traffic lane is restricted, and
3. No part of the lane restriction (including taper) is closer than 300' to a signalized intersection, and
4. The restriction does not take place during the peak hours specified in the Traffic Barricade Manual (6:30 to 8:30 AM and 4:00 to 6:00 PM weekdays).

C. APPLICATION PROCEDURE. To request permission to restrict a public way:

Complete application and submit it in person, via fax, or email.

In Person: Mesa Transportation, 300 E. 6th Street, M-Th 7:00 AM to 6:00 PM
 By Fax: 480-644-3130 Attention Traffic Barricade Coordinator
 By Email: Email completed application form to barricade@mesaaz.gov

For questions or emergency notifications: Phone 480-644-4TTC (480-644-4882)

For unusual or complicated situations, the applicant is encouraged to call and discuss the traffic control before submitting an application.

Applications that are incomplete or unclear will require correction and resubmittal. Normal turn-around times are per the table below assuming the application and all supporting documents are complete and correct.

First Day of Restriction	Monday	Tuesday	Wednesday	Thursday	Friday, Saturday, Sunday
Application for Partial Restriction Due by 11:00 AM on	Previous Monday	Previous Tuesday	Previous Wednesday	Previous Thursday	Previous Monday
Application for Full Closure Due by 11:00 AM on	2 nd Monday before closure	2 nd Tuesday before closure	2 nd Wednesday before closure	2 nd Thursday before closure	2 nd Monday before closure

NOTE: If any City holidays fall within these time frames, turn-around times will be correspondingly longer.

D. TRAFFIC CONTROL PLAN. A traffic control plan must be submitted when any of the following conditions apply:

1. Complete street or alley closure is requested, or
2. Any portion of a sidewalk will be closed (Plan must show pedestrian accommodation in detail.) or
3. Lane restrictions (including tapers) are within 300 feet of a signalized intersection, or
4. Restrictions are requested during peak periods defined in the Traffic Barricade Manual, or
5. The minimum number of lanes specified in Chapter 4 of the Traffic Barricade Manual will not be available, or
6. Any time when requested by the Transportation Department.

E. CHANGES AND EXTENSIONS. After a permit is issued, if the work needs to be cancelled, rescheduled, or extended beyond the date in the original application, these notifications should be submitted by 1:00 pm the business day prior to the date the original permit expires.

F. EMERGENCIES. Transportation should be notified of unplanned restrictions due to emergencies such as water main breaks, utility damage, pavement failures, etc. as soon as practical.

G. APPROVAL OR DENIAL. Upon approval of the request, a TTC permit number will be issued, and a confirmation will be sent by email or fax to the applicant, the City of Mesa inspector, and the primary contact at the set-up barricade company. If a request is denied, the Traffic Barricade Coordinator will call the requestor to notify them of the denial and discuss alternatives.





Temporary Traffic Control Permit Application
 City of Mesa Transportation Department
 480-644-4TTC (4882) • www.mesaaz.gov

TRANSPORTATION OFFICE USE ONLY

TTC PERMIT # _____

REVIEW DATE ____/____/____

ENTERED BY _____ REVIEWED BY _____

APPLICATION DATE: ____/____/____

LOCATION:

COMPLETE THIS BOX FOR WORK BY CITY DEPARTMENTS ONLY

DEPARTMENT/SECTION : _____

DEPARTMENT CONTACT PERSON: _____

NAME: _____ PHONE: _____

ROW
 PERMIT # _____

NCU
 PERMIT # _____

CIP
 PROJECT # _____

TYPE OF FACILITY RESTRICTED (CHECK ALL THAT APPLY):

- Street Alley Sidewalk Shoulder Bike Lane Multi-use Path Other (describe) _____

TYPE OF WORK:

RESTRICTION
 START DATE: ____/____/____

RESTRICTION
 END DATE: ____/____/____

RESTRICTION TYPE: COMPLETE CLOSURE PARTIAL CLOSURE SIGNALIZED INTERSECTION SIDEWALK ONLY

TRAFFIC CONTROL SET-UP DURATION (CHECK ALL THAT APPLY)

Day 8:30 AM – 4:00 PM

Night 6:00 PM – 6:30 AM

24 HR

Weekend

Holiday

NUMBER OF LANES TO BE RESTRICTED				TYPE OF LANE	NUMBER OF LANES OPEN TO TRAFFIC			
EB	WB	NB	SB		EB	WB	NB	SB
				LEFT TURN LANE (EXCLUSIVE)				
				CENTER 2-WAY LEFT TURN LANE				
				THROUGH LANE				
				RIGHT TURN LANE (EXCLUSIVE)				

PEDESTRIAN ACCESS MAINTAINED? YES NO

BUS STOP AFFECTED? YES NO

DESCRIBE PEDESTRIAN ACCOMMODATION:

DESCRIBE BUS STOP ACCOMMODATION:

APPLICANT NAME (CONTACT PERSON FOR APPLICATION)			PHONE
COMPANY NAME			
COMPANY ADDRESS			
PHONE	FAX	MOBILE	EMAIL
24 HR CONTACT NAME (RESPONSIBLE FOR JOB SITE)			24 HR PHONE
BARRICADE COMPANY			
PHONE	FAX	MOBILE	EMAIL
BARRICADE COMPANY CONTACT NAME			24 HR PHONE

SEE "TEMPORARY TRAFFIC CONTROL PERMIT RULES AND PROCEDURES" FOR ADDITIONAL INFORMATION.

Attachment B

Draft Mesa City Code Addition

Title X, Chapter 10—Temporary Traffic Control

DRAFT

CHAPTER 10

TEMPORARY TRAFFIC CONTROL

SECTION:

- 10-10-1: TRAFFIC BARRICADE MANUAL**
10-10-2: AUTHORITY TO APPROVE OR DENY RESTIRCTIONS AND ISSUE PERMITS
10-10-3: VIOLATIONS AND ENFORCEMENT

10-10-1: TRAFFIC BARRICADE MANUAL

- (A) City Traffic Barricade Manual. The City Traffic Engineer shall develop, publish, and revise from time to time as needed, a manual on procedures and practices necessary to establish temporary control measures to be used in conjunction with partial and full restrictions of all City streets, sidewalks, bicycle lanes, equestrian, bicycle, pedestrian or multi-use paths, special use trails, alleys, highways, transit stops or other facilities, hereinafter referred to as "City Transportation Facilities," to be used in conjunction with any work, construction, maintenance, or other use of City rights-of-way or easements. Such City Traffic Barricade Manual may consist of a manual or manuals, in whole or in part, developed and published by other cities, states or the federal government, along with modifications or amendments specific to the City of Mesa. The City Traffic Barricade Manual shall be adopted by City Council resolution.
- (B) The City Traffic Engineer or designee, is authorized to approve or disapprove barricading utilized on any City Transportation Facility, and to take those actions necessary, in his professional judgment and in accordance with the City Traffic Barricade Manual, to promote, preserve and protect public health, safety and welfare on such City Transportation Facilities with respect to barricading and temporary traffic control.
- (C) It is unlawful for any person to restrict any portion of a City Transportation Facility, City right-of-way or easement in a manner that is not in compliance with the City Traffic Barricade Manual unless approved by the City Traffic Engineer or designee.

10-10-2: AUTHORITY TO APPROVE OR DENY RESTRICTIONS AND ISSUE PERMITS

- (A) Authority to Approve or Deny Restrictions. The City Traffic Engineer or a designee shall have the authority to approve or deny all partial and full restrictions of Public Facilities in conjunction with any work, construction, maintenance, or other use of City rights-of-way or easements.
- (B) City Traffic Engineer to Establish Procedures, Rules and Issue Permits. The City Traffic Engineer shall develop, publish, and revise from time to time as needed, procedures and rules, hereinafter referred to as the Rules, for applying for permission to restrict any portion of a Public Facility, City right-of-way or easement, and is authorized to issue or cause to be issued a Temporary Traffic Control Permit for all such requests that are approved. Such permit shall include general and special conditions as determined necessary by the City Traffic Engineer or designee for the permit holder's temporary use of the right-of-way.
- (C) Permit Required. No person shall restrict any portion of any City Transportation Facility, City right-of-way or easement without first obtaining a valid Temporary Traffic Control Permit from the Transportation Department unless otherwise provided for in the Rules.
- (D) Temporary Traffic Control Permit Modification, Suspension or Revocation. The City Traffic Engineer or designee may modify any condition of a Permit, or suspend or revoke such Temporary Traffic Control

Permit at any time when necessary, in his sole discretion, to promote, preserve or protect public health, safety and welfare. Such Permit may also be suspended or revoked if the permit holder fails to follow all general and special conditions of the Permit.

- (E) Fees. Temporary Traffic Control fees must be paid at the time of issuance of a right-of-way or non-city utility permit, and renewal fees if any must be paid in advance according to the Schedule of Fees and Charges and the Rules except as provided in subsection (F) below.
- (F) Fees Not Required. Temporary Traffic Control fees are not required for restrictions for neighborhood block parties, for restrictions in connection with activities conducted by City forces, or activities being carried out by others under direct contract to the City, or in any instance where the City Manager or his designee determines that it is in the City's best interest to waive Temporary Traffic Control fees.

10-10-3 VIOLATIONS AND ENFORCEMENT

- (A) The City Traffic Engineer or designee, is authorized to enforce the provisions of this Chapter as follows:
 1. Seeking voluntary compliance through information and education;
 2. Issuing corrective action or violation notices and warnings
 3. Other informal means designed to achieve compliance in the most efficient and effective manner
 4. In cooperation with the Engineering Department, issuing stop work notices
 5. Suspending or revoking subject Temporary Traffic Control Permit
 6. In cooperation with the Building Safety Division placing a hold on issuance of new right-of-way and/or Temporary Traffic Control permits for the same company or individual
 7. Issuing a civil citation for civil sanctions under this Chapter
- (B) Remedies Not Exclusive. Violations of this Chapter are in addition to any other violation established by law, and this section shall not be interpreted as limiting the penalties, actions, or abatement procedures which may be taken by the City or other persons under the law, ordinances, or Rules.
- (C) Responsible Parties:
 1. Any person or his agent who causes, permits, facilitates, aids, or abets any violation of this Chapter, or who fails to perform any act or duty required pursuant to this section, is subject to the enforcement provisions of this Chapter. The person and his agent may be individually responsible for the violations, the prescribed civil sanctions, and the abatement of the violations.
 2. Any person, firm, or agency conducting work in the public right-of-way or easement is responsible for assuring that all related activities comply with the provisions of this Chapter. Contracting with another person, firm or agency (subcontractor) for temporary traffic control services does not relieve the person, firm or agency conducting the work of the obligation to comply with the provisions of this Chapter.
- (D) Civil Violations and Citation:
 1. Violation of any portion of this Chapter is a civil violation. A civil action for violations of this Chapter may be commenced by issuance of a citation.
 2. The citation will be substantially in the form established by the City Traffic Engineer. These citations may be issued by Transportation Department employees working under the authority of the City Traffic Engineer or designee. The citation shall be served by personal service, or by certified or registered mail, return receipt requested.

3. The citation shall include the date, time, location and description of the violation(s), either by written description of the violation(s) or by designation of the City Code Section that was violated, and notice that within fourteen (14) calendar days from the day on which the notice was issued the sanction for the violation must be paid and received by the City or a request made and received by the City for a hearing to contest the alleged violation.

(E) Response to Citation

1. Within ten (10) calendar days from the day on which the citation was issued, the person or persons responsible for the violation (s) shall respond to the citation by one of the following methods:
 - (a) By appearing before a Municipal Magistrate or Hearing Officer in City Court in person, by representation, by deposit in a City collection box, or by mail to the City Court admitting responsibility for the violation and paying the civil sanction indicated in the citation for the violation.
 - (b) By appearing before a Municipal Magistrate or Hearing Officer in the City Court in person, by representation, by deposit in a City collection box, by mail, or by telephone, and denying all allegations in the citation, and requesting a hearing to contest the alleged violation(s). The Court shall set the matter for hearing. Civil hearings are informal and held without a jury, and the City is required to prove the violation (s) by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications.
 - (c) A request for a hearing or payment of the civil sanction will be considered received by the City if it is actually delivered to the City Court, deposited in a City collection box, or postmarked within ten (10) calendar days after the date the citation was issued. A request for a hearing made by telephone will be considered received the day it is made, if it is received by a City Court employee during City Court business hours of any day the City Court is open for normal business.

(F) Schedule of Sanctions. The sanctions listed in the following schedule are the minimum sanctions that may be imposed for violations of the Traffic Barricade Manual or any provision of this Chapter.

VIOLATION DESCRIPTION	CIVIL SANCTION PER DAY
Creating an imminent risk of death or injury to the public within the public right-of-way or easement	\$1,500
Restricting the right-of-way or easement without a required Temporary Traffic Control Permit	\$1,000
Restricting traffic during peak traffic hours as described in the Traffic Barricade Manual without authorization	\$1,000
Failing to correct or cure a violation as listed in this schedule within the time period stated on a corrective action or violation notice or warning	\$1,000
Restricting traffic at a signalized intersection without active work occurring	\$1,000
Closing a sidewalk improperly or without a required Temporary Traffic Control Permit	\$500
Violating the restrictions, limits, times, general or special conditions or location of a Temporary Traffic Control Permit	\$500
Rendering a bus stop inaccessible without relocating it or making other approved accommodations	\$500
Leaving advance warning or temporary regulatory sign(s) facing traffic in one or more directions after restriction has been removed	\$250

Leaving traffic control devices in the right-of-way or easement twenty-four (24) hours after Temporary Traffic Control Permit expires	\$250
Use of unacceptable quality traffic control devices as described in the Traffic Barricade Manual	\$250
Violation of any other provision of the Traffic Barricade Manual whether or not a Temporary Traffic Control Permit is required	\$250

(G) Failure to Respond to a Citation; Increased Sanction for Failure to Make a Timely Response.

1. If the person or persons responsible for a temporary traffic control violation(s) fails to respond by one of the methods listed in Subsection (E) within fourteen (14) calendar days from the date the citation was issued, the sanction for the violation shall automatically be increased to twice the minimum sanction. If the sanction is not paid within thirty (30) days after the date of the citation and the person or persons liable for the violation have failed to make a timely response pursuant to Subsection (E), the sanction shall be increased automatically to four (4) times the minimum sanction which is due and payable at that time.
2. The list of violations and sanctions provided for in Subsection (E) are the minimum sanctions that may be imposed when the defendant responds to the notice in a timely manner. The civil sanctions prescribed herein shall not be suspended or reduced except as provided herein.
3. A City Magistrate or a civil Hearing Officer may suspend the payment of an increased sanction or late penalty for the failure to respond to a citation; however, a City Magistrate or Hearing Officer cannot suspend the payment of the minimum sanction as provided in the schedule in Subsection (F).

(H) Civil Complaints; Hearings.

1. If a defendant has not made a timely request for a hearing pursuant to Subsection (E)1(b) or (E)1(c) or has failed to make a timely response to the notice and has not paid the civil sanction as required by Subsection (E)1(a), a civil complaint and summons shall be issued by the City Court unless the City Prosecutor determines that a complaint shall not be requested.
2. Failure to respond to a civil complaint and summons will result in a default judgment for the amount of the civil sanction plus court costs and attorney's fees, if applicable.
3. A civil hearing for a temporary traffic control violation may be heard by a civil Hearing Officer pursuant to applicable State statutes and the Arizona Supreme Court Rules of Procedure in Civil Violation Cases. The Hearing Officer may make such orders as may be necessary and proper to dispose of such cases.

(I) Time calculation. If the tenth (10th) calendar day as set forth herein is a Saturday, Sunday, Legal Holiday, or other Non-Business day of the City, then payment shall be due on the next day that is not a Saturday, Sunday, Legal Holiday, or Non-Business day of the City.