

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE TO
CREATE A PROCEDURE WHEREBY RESIDENTS MAY PETITION THE
DEPARTMENT OF PUBLIC WORKS TO CONDUCT TRAFFIC STUDIES
AND INSTALL TRAFFIC CALMING DEVICES**

#0248

Sponsor:

**Council
Member
Oliver**

WHEREAS, social scientists who study neighborhoods and engineers and planners who analyze traffic impact and flow have long argued that the concept of the “street” shall exist and be managed as a physical and social part of the community living environment; and

WHEREAS, the street community concept is grounded in the overall idea that neighborhood traffic management shall require vehicular movement, social contacts, and civic activities to simultaneously coexist to foster a safe and nurturing atmosphere; and

WHEREAS, analysts understand that the local residential streets are central to the feeling of “community” and “belonging” within a neighborhood; and

WHEREAS, failure of the local street to provide livability and safety in the residential environment can be seen in the application of neighborhood traffic management programs where the local authority does not mitigate traffic problems; and

WHEREAS, in order to identify the extent of the conflict associated with “livability” and the geometrical design of residential streets, City Council finds that the issues of street standards and regulations are required to be examined from time to time because of the changing character of residential areas and the needs of the city population; and

WHEREAS, City Council finds that because residential dwellings in many neighborhoods are close to the vehicular lane of travel, it is prudent to examine the traffic problems associated with residential streets and develop measures which will enhance community safety and “livability” through traffic management and control; and

WHEREAS, City Council finds that urban streets are historically designed for relatively uniform low traffic volume and moderate speeds and when traffic becomes inconsistent with this design it directly impacts livability and the safety of residents; and

WHEREAS, pursuant to *Wilm. C. (Charter) § 5-400(d)*, the Department of Public Works has the authority to “collect and compile traffic data,” “prepare engineering studies and surveys in regard to vehicular and pedestrian traffic,” and “prepare analyses of traffic accidents for determining their causes and means for their prevention”; and

WHEREAS, *Wilm. C. § 2-298(17)*, reiterates the same; and

WHEREAS, City Council finds it necessary to amend *Wilm. C. § 2-298* by adding an additional subsection that will permit residents to petition the Department of Public Works over residential street traffic issues and request a study be conducted.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Section 2-298 is hereby amended by adding in a new subsection to read as follows:

Sec. 2-298. – Transportation-related functions and duties; reports

[. . .]

(18) Any residential community where twenty-five (25) or more residents of a designated census tract that have identified residential street traffic issues that substantially affect the livability and safety of the community may present a petition setting forth said issues to the Commissioner of the Department of Public Works (“Commissioner”), or their designee. The procedure for this process is outlined below:

- a) The petition must provide sufficient detail regarding the exact street traffic issue and how it substantially affects the livability and safety of the community. At least two (2) pictures of the street traffic issue (taken at different locations/vantage points on the street) are required to be included with the petition. Video

footage of the street traffic issue can also be submitted, but is not required. The petition shall be signed by twenty-five (25) residents in the designated census tract affected by the street traffic issue. Each resident shall include their typed address above, below, or next to their signature. One of the twenty-five (25) residents shall indicate on the petition that he or she is the resident filing the petition (the “filer”). The filer shall file the petition with the Commissioner, or their designee, through electronic or standard mail.

- b) Upon receiving a petition, the Commissioner, or their designee, shall first determine if the petition:
- 1) meets the requirements of subsection (a) above;
 - 2) concerns streets owned only by the City;
 - 3) involves traffic issues as defined in Section 37-1 of the City Code; and
 - 4) concerns residential street traffic issues that substantially affect the livability and safety of the community. That is, residential street traffic issues that involve frequent pedestrian accidents, frequent and significant vehicle accidents, or the creation of new traffic patterns resulting from new construction or increased pedestrian or vehicular volume.
- c) If the Commissioner, or their designee, is convinced that (b) have all been satisfied, then the Commissioner, or the designee, shall schedule a meeting with the residents to discuss the asserted issues in the petition within sixty (60) days of its initial determination. The Commissioner, or their designee, shall notify all petitioners by notifying the filer of the petition through electronic or standard mail that the Commissioner, or their designee, will be meeting with the petitioners at a set date, time, and location. If the petition fails to satisfy one or more of the requirements in subsection (b), then the Commissioner, or their designee, shall notify the filer of the petition through electronic or standard mail that the Commissioner will not proceed to subsection (c) with the petition because it has not satisfied the necessary requirements.
- d) If after the initial subsection (c) meeting, the Commissioner, or their designee, determines a study should be conducted then the

Commissioner, or their designee, shall solicit bids from outside consultants to perform the relevant study, unless the Commissioner, or their designee, determines that the Department of Public Works has sufficient staff and resources to perform the study internally. The study shall conform with the most recent *Manual on Uniform Traffic Control Devices* and be advisory.

- e) Upon receiving the findings and recommendations of the study, the Commissioner, or their designee, shall issue a final decision to the filer of the petition through electronic or standard mail as to whether all, some, or none of the recommendations in the study will be implemented. The fact that the City is unable to afford the implementation of the recommendations will be a sufficient reason to prevent implementation.

SECTION 2. This Ordinance shall be deemed effective thirty (30) days after passage by City Council and signing by the Mayor.

First Reading..... November 17, 2022
Second Reading..... November 17, 2022
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2022.

Mayor

SYNOPSIS: This Ordinance permits twenty-five (25) or more residents of a designated census tract to submit a petition to the Commissioner of the Department of Public Works, or their designee, indicating residential street traffic issues that substantially affect the livability and safety of the community and requires the Commissioner of the Department of Public Works, or their designee, to conduct a traffic study when certain requirements are satisfied.

FISCAL IMPACT STATEMENT: This Ordinance's fiscal impact is unknown at this time, as it depends on numerous factors, including the number of petitions filed, the petitions' subject matter, the engineering studies' findings, and external consultant costs. However, the approximate cost for one engineering study concerning the addition or removal of a stop sign can cost approximately \$25,000.00, which does not include the purchase and installation of the stop sign. Similarly, purchasing and installing a new pedestrian crosswalk or redlight can cost approximately \$150,000.00 or \$250,000.00, respectively.