

Worksession

MEMORANDUM

October 13, 2011

TO: Transportation, Infrastructure, Energy and Environment Committee
Public Safety Committee

FROM: Amanda Mihill, Legislative Attorney *Mihill*

SUBJECT: **Worksession:** Bill 27-11, Pedestrian and Traffic Safety Advisory Committee –
Sunset Repeal

Bill 27-11, Pedestrian and Traffic Safety Advisory Committee – Sunset Repeal, sponsored by Council President Ervin, Council Vice President Berliner, and Councilmembers Andrews and Navarro, was introduced on September 13, 2011. A public hearing was held on October 4 at which 3 speakers, including a representative for the Executive, testified in support of Bill 27-11 (see written testimony and correspondence on ©5).

Bill 27-11 would repeal the sunset of the Pedestrian and Traffic Safety Advisory Committee, which will sunset on August 31, 2012 unless extended, and make the Committee permanent. The bill would also rename the Committee as the Pedestrian, Bicycle, and Traffic Safety Advisory Committee.

Relationship to Bills 29-11 and 32-11 Committee members should be aware that the Pedestrian and Traffic Safety Advisory Committee is identified as one of the advisory committees that would sunset under Bill 29-11, Boards, Committees, and Commissions – Sunset, Consolidation and would be required to request continuation under Bill 32-11, Boards, Committees, and Commissions – Committee Evaluation and Review Board – Report.

Ervin amendment Council President Ervin intends to offer an amendment to increase the membership of the Committee by 1 and require the Executive to appoint 1 member to the Committee that represents the disability community (see ©8).

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Bill No. 27-11
Concerning: Pedestrian and Traffic
Safety Advisory Committee – Sunset
Repeal
Revised: 9/12/2011 Draft No. 2
Introduced: September 13, 2011
Expires: March 13, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ervin, Council Vice President Berliner,
and Councilmembers Andrews and Navarro

AN ACT to:

- (1) repeal the sunset of the Pedestrian and Traffic Safety Advisory Committee;
- (2) rename the Committee; and
- (3) generally amend the County street and road law.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Section 49-81

2007 Laws of Montgomery County, Chapter 8

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

Sec. 1. Section 49-81 is amended as follows:

49-81. Pedestrian, Bicycle, and Traffic Safety Advisory Committee.

(a) *Definition.* In this Section “Committee” means the Pedestrian, Bicycle, and Traffic Safety Advisory Committee.

(b) *Established.* The County Executive must appoint, subject to confirmation by the County Council, a Pedestrian, Bicycle, and Traffic Safety Advisory Committee.

* * *

Sec. 2. Chapter 8 of the 2007 Laws of Montgomery County is amended as follows:

Continuity and sunset of Pedestrian and Traffic Safety Advisory Committee. Section 49-81 establishes a Pedestrian and Traffic Safety Advisory Committee. This Committee continues the Pedestrian Safety Advisory Committee, created under Council Resolution 14-1281 and extended under Council Resolution 16-192. The County Executive must allow the members of the Pedestrian Safety Advisory Committee to continue to serve the remainder of their terms as members of the Pedestrian and Traffic Safety Advisory Committee. The Executive must continue to stagger the terms of the members of the Pedestrian and Traffic Safety Advisory Committee so that approximately one-third of the terms of these members continue to expire each year. [Section 49-81 expires on August 31, 2012.]

LEGISLATIVE REQUEST REPORT

Bill 27-11

Pedestrian and Traffic Safety Advisory Committee – Sunset Repeal

DESCRIPTION: Bill 27-11 would repeal the sunset for the Pedestrian and Traffic Safety Advisory Committee and rename the Committee the Pedestrian, Bicycle, and Traffic Safety Advisory Committee.

PROBLEM: The Committee will sunset on August 31, 2012 unless extended.

GOALS AND OBJECTIVES: To make the Committee permanent.

COORDINATION: Chief Administrative Officer.

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Amanda Mihill, Legislative Attorney, 240-777-7815

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Jennifer A. Hughes
Director

MEMORANDUM

October 3, 2011

TO: Valerie Ervin, President, County Council
FROM: Jennifer A. Hughes, Director
SUBJECT: Council Bill 27-11, Pedestrian and Traffic Safety Advisory
Committee Sunset Repeal

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

Bill 27-11 would repeal the sunset for the Pedestrian and Traffic Safety Advisory Committee and rename the Committee the Pedestrian, Bicycle, and Traffic Safety Advisory Committee.

FISCAL AND ECONOMIC SUMMARY

The legislation would not have an additional fiscal impact on County government. Approximately 400 staff hours, including department directors and other senior management, at an average cost of \$70 per hour is spent supporting this committee on an annual basis. If the committee were eliminated, the staff would not be reduced from the budget but their time would instead be reallocated to support other programs and groups.

This legislation does not have an economic impact on Montgomery County.

The following contributed to and concurred with this analysis: Adam Damin, Office of Management and Budget; William Selby, Department of Transportation; and Michael Coveyou, Department of Finance.

JAH:ad

c: Kathleen Boucher, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Arthur Holmes, Jr., Director, Department of Transportation
Joseph F. Beach, Director, Department of Finance
Amy Wilson, Office of Management and Budget

Office of the Director

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**Al Roshdieh testimony
Public Hearing
Bill 27-11**

Repealing the sunset provision of the Pedestrian and Traffic Safety Advisory Committee

Good afternoon. My name is Al Roshdieh and I am the Deputy Director for the Department of Transportation. I am here today to testify on behalf of County Executive Isiah Leggett in support of Bill #27-11, which will repeal the sunset provision of the Pedestrian and Traffic Safety Advisory Committee.

This committee was first established in 2002 and has become a vital part of implementing County Executive Leggett's Pedestrian Safety Initiative. The task of this committee is to advise the County Executive, and County Council, and the Department of Transportation on implementation of the County's Pedestrian Safety Initiative, on the priorities, and to recommend any changes in the program they believe will improve pedestrian safety. The committee meets every other month and provides their input on actions being taken on the three E's – Engineering, Education, and Enforcement.

Although the County Executive does not object to adding "Bicycle" to the name of the committee, I want to point out that there is one member of the committee who fills a position designated as a bicycling advocate, as well as several other current members who are cyclists. The committee has established a Bicycle Access and Safety subcommittee and spends time at each of its meetings addressing the issues that specifically relate to bicycling in the county. I would also note, the Department of Transportation supports an internal advisory committee called the Montgomery County Bicycle Action Group (MCBAG) which meets monthly. This group of bicycle advocates deals solely with bicycle issues and facilities. It is staffed by our Division of Transportation Engineering, the division responsible for constructing bike paths, trails, and lanes throughout the county. The County Executive would like MCBAG to continue advising the Department of Transportation.

We believe we are making significant strides in improving pedestrian safety. The August 26 CountyStat review determined there has been a 15 percent decline in pedestrian collisions in the first half of 2011. There has also been a decline in severe pedestrian injuries in 2011, to an historic low of less than 24 percent. Prior to 2007, severe injuries - - where pedestrians were either killed or incapacitated - - exceeded 30 percent of all pedestrian collisions.

We have targeted our efforts on those areas of the county where there have been a high number of pedestrian collisions, applying engineering improvements, education activities, and stepped up enforcement. The recent results suggest we are making a difference as pedestrian collisions have dropped in each area of our program – High Incidence Areas, Traffic Calming, and Safe Routes to Schools. The Pedestrian and Traffic Safety Advisory Committee has been an important part of this effort. We need to keep this momentum going. Repealing the sunset provision of the Pedestrian and Traffic Safety Advisory Committee will enable it to continue contributing to improving safety in Montgomery County.

Thank you for the opportunity to present our views on this proposed legislation. We look forward to a continuation of this valuable committee in advising the County government on its approaches to improving the safety of all who chose to walk or bike in the county.



PEDESTRIAN TRAFFIC & SAFETY ADVISORY COMMITTEE

Oct 4, 2011

TO: Honorable Montgomery Council President Valerie Ervin
Honorable Montgomery Council Members

You will be considering giving the Montgomery County Pedestrian Traffic and Safety Advisory Committee (PTSAC) a "permanent" life, as opposed to it being allowed to "die" at the end of this term.

I've had the genuine privilege of being a member of the PTSAC for several years and then was asked to become the Chair of the PTSAC, followed by an exception, permitting me to continue to be the Chair for another term.

I only mention my service to share with you that the current members of the PTSAC have joined me in making this deliberative body the finest group of dedicated Montgomery County residents you could hope to challenge with any assignment given to it.

The PTSAC, being a body designed to only give advice to the Montgomery County Executive and the Montgomery County Council, has significant value because it gives independent study and thinking which is not affected by any political bent or by any allegiance to any office. While that may at times may bring advice contrary to the wishes of either County offices, because it of necessity does not consider favoring any office, both offices will get the significant benefit of careful independent study at all times.

A close professional and much valued relationship with the Montgomery County Department of Transportation has provided a terrific source of information, making studies considerably easier to conduct when needed.

Therefore, with no personal political or financial benefit to gain by the members, it is in the best interest of all who live, work or travel in Montgomery County to give permanence to the Pedestrian, Traffic and Safety Advisory Committee and you are urged to do so.

Thank you.

Erwin H. Mack
Chair

Erwin Mack
Chair
Delegate Bill Bronrott
Vice Chair

Ramin Assa
Justin Clarke
James D'Andrea
Doris Depaz
Valerie Ervin-
Councilmember
Steve Friedman
Kenneth Hartman
Arthur Holmes, Jr.
Lt. James Humphries
Alan Migdall
Colleen Mitchell
Peter Moe
Alyce Ortuzar
Richard Romer
Jack Strausman

STAFF
Jeff Dunckel
Roselle Paquette

PS

GO
SJF

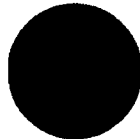
Marin, Sandra

From: Ervin's Office, Councilmember
Sent: Tuesday, September 20, 2011 9:27 AM
To: Montgomery County Council
Subject: FW: Pedestrian and Traffic Safety Advisory Committee

-----Original Message-----

From: Steven Friedman [mailto:shf918@me.com]
Sent: Tuesday, September 20, 2011 7:04 AM
To: Ervin's Office, Councilmember
Cc: Romer, Richard; Erwin Mack; Dunckel, Jeff
Subject: Pedestrian and Traffic Safety Advisory Committee

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RECEIVED
MONTGOMERY COUNTY
SEP 20 2011 10:00 AM

Council President Ervin,

I'd like to share my thanks for your ongoing support of improving conditions for all road users including pedestrians and bicyclists. Your participation in and support of the PTSAC is critical as the committee comes up on its current sunset provision while the council begins to consider eliminating that provision while also considering adding bicyclists to the name of the committee formally. Quite simply, the sunset provision should be removed, there is no strong reason why this committee requires renewal through this formal mechanism. The needs of the residents, particularly the need to continuously evaluate and enhance the infrastructure, laws, educational campaign, enforcement strategies and interactions (via crash data and other data collection efforts) does not end with the sunset provision of the PTSAC. Removing this allows the PTSAC to continue to work on behalf of county residents without the administrative disruption this provision provides.

Regarding the name change, I initially thought it would lend credence to critics who view cyclists as a 'special interest' group. As the bicycling advocate to the PTSAC, I have seen a bit of a sea change in how MCDOT views and addresses the needs of the cycling community. While there has been some progress, there is much more to be done. Bicyclists exist in the proverbial rock and hard place because of the various ways that bicycles can be used. The mixed use capacity for bicycles does add a realm of confusion to all road users as to what constitutes 'good behavior' even when the bicyclist themselves are doing everything according to the law. Frequently, many aren't aware of what those laws are, misunderstand or misapply them or simply ignore them. The use of bicycling for all potential uses is increasing and recent efforts to bring bike-sharing into the county illustrate that it will continue to grow. That is a good thing for the infrastructure that is already strained and a budget that is shrinking as more people take to bicycles for commuting and errand running as well as exercise. We also need to provide the infrastructure that enables our young residents to take up bicycling. Walking and riding to school are at all time lows while childhood obesity is at an all time high. Bicycling to school is one way to stem that. Bicyclists also must adjust to being a road user in a way that minimizes conflict with other users. As such, it becomes even more important that bicyclists continue to have a formal role in this committee and the proposed name change will illustrate that commitment. It affords an opportunity to reinforce within the bicycling community that there is a formal mechanism (in addition to the work done by MoBike) for addressing bicyclists needs as road (and sidewalk) users and provides the mechanism to keep track with how bicycles are being used and at what frequency so the rate of infrastructure development as well as the education and enforcement can keep pace with usage as well as be a leading motivator to increase usage once bicyclists believe they can traverse county roads safely by bicycle.

Once again, thank you for your efforts and commitment to ensuring to these efforts,

Respectfully submitted,

Steve Friedman
Public Member (Bike Advocate) PTSAC

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AMENDMENT

To Bill 27-11,
Pedestrian and Traffic Safety Advisory Committee – Sunset Repeal

BY COUNCIL PRESIDENT ERVIN

PURPOSE: To increase the membership of the Committee by 1 and require the Executive to appoint 1 member to the Committee that represents the disability community.

Beginning on page 2, add after line 8:

- 1 (c) Composition and terms of members.
- 2 (1) The Committee has ~~[[17]]~~ 18 members.
- 3 (2) The Executive must appoint a representative from each of the
- 4 following departments as members:
 - 5 (A) the Police Department;
 - 6 (B) the Department of Transportation; and
 - 7 (C) one of the Regional Services Centers.
- 8 (3) The Executive must invite a representative from each of the
- 9 following agencies to serve as members:
 - 10 (A) the County Council;
 - 11 (B) the County Planning Board;
 - 12 (C) the Montgomery County Public Schools; and
 - 13 (D) the State Highway Administration.
- 14 (4) The Executive must appoint:
 - 15 (A) one member representing a municipality from a list
 - 16 provided by the County chapter of the Maryland
 - 17 Municipal League~~[[. The Executive must appoint]]~~;
 - 18 (B) one member representing advocates of bicycling; and
 - 19 (C) one member representing people with disabilities.

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(5) The Executive must appoint the remaining individuals from different geographic areas of the County.

(6) The term of each member is 3 years. After an appointment to fill a vacancy before a term expires, the successor serves the rest of the unexpired term.

* * *