

Open Work Session

September 4, 2018

Installation of Street Signs on County Roads

Mr. Paul Wilber, County Attorney, came before Council. He said he thinks Mr. Dallas Baker and Mr. Weston Young might be able to participate in this discussion as well. Mr. Weston Young, Assistant Director of Administration, and Mr. Dallas Baker, Director of Public Works, then came before Council. Mr. Wilber said he thinks installation of street signs in any County or town is largely a function of engineers and a Public Works Department as they have sets of regulations they have to follow for traffic control signals, stop signs, yield signs, no turn signs, etc. He clarified, it is a matter of engineering expertise.

Mr. Wilber asked if Council has specific questions about this, to which Mr. Kilmer responded, this may have been his suggestion to bring this topic for discussion. He said someone contacted him a couple of months ago about putting up a stop sign, so he inquired what the process was. He said it was in Tyaskin and would affect maybe about 20 people. He said he remembers Council approved some no parking signs a couple of years ago, so he thought maybe Council would have to approve this. He said he asked some questions, and it seems there really is not a process. He said it also seems that a lot of people assumed Council had to approve it because, when the stop sign went up, he heard from all 20 people who were affected by it. He said, basically, the view was that they felt the process with public comments were not taken into consideration. He said he thinks they have ironed out the problems there, but it does raise the issue of what the process is for stop signs. He said he guesses it used to be a Council issue before the Executive form of Government came on, and he thinks some people still have that expectation. He said, when people wonder what to do if they want road signs and street signs, he thinks it would be good to have something laid out. He clarified, he does not necessarily think it needs to be Council doing it because they do not want to micromanage that, but it would be good to have a process in case someone has a request. He said that way Roads is not just putting up stop signs, and there is something in place so people can have some idea what they should do if it is wanted or needed. Mr. Wilber said he thinks a process to answer questions about why there is or is not a traffic control in place should be directed to Public Works because they are the people who have the books with the answers. Mr. Kilmer said the question is that Council used to have some sort of role to play in this, such as a couple years ago approving a Resolution for no parking signs. He then asked if they need to clarify that they do not have a role to play, and whether Council does not want to play a role. He said he is not sure Council needs to have a role to play because they are not the experts in traffic, but the public also sometimes feels that, if major changes are being made, they want a voice, and Council is the Body where the people get to speak up. He said he does not know what the answer is, but he does know that people do not feel that their voices are heard on this, and people get pretty upset over it. He repeated, he is not sure what the answers are, and he is not sure if any other Councilmembers have an issue, but it might be good to clarify some of this.

Mr. Young asked Mr. Baker if he is familiar with the Tyaskin sign, to which Mr. Baker responded, yes. Mr. Young said he will have Mr. Baker talk about that, but, when these things are considered, the traffic engineering term is called a warrant, and they have to ask whether the intersection warrants a traffic signal, a four-way stop, or pedestrian walkway. He said a different traffic control method is usually warranted depending on the amount of traffic and use. Mr. Kilmer said, with the Tyaskin situation, he does not think Roads or Public Works did anything wrong. He said they have been very good in responding, but this is just a situation where people were confused and thought the County Council did

that sort of thing because that is the way it had always been done, but that is not the way it necessarily has to be done under an Executive form of Government, so there is some confusion about the process. He clarified, he is not criticizing Public Works or Roads in any way, and just wants to make that clear.

Mr. Baker said he will walk Council through the process. He said, typically, when they get a request in for some type of alteration of traffic controls, especially if it is regulatory in nature, such as a stop sign or a yield sign, there are a series of warrants outlined in the Manual of Uniform Traffic Control Devices (MUTCD) that they have to go through and evaluate if they are changing something, such as a speed limit, or putting up a stop sign. He said they perform those studies, and then make recommendations to the Executive about the proposed changes, and it is his understanding that those all go through Administration now. He said, as far as something such as a no parking sign or permitting parking, those changes are a little bit more subjective, and they tend to rely on what the surrounding community wants. He said, to give an example, there are potential parking changes along Dogwood Drive coming up from requests they received from the community for the ability to have traffic stop queuing up so far along Dogwood Drive between Salisbury University and the church, and there are some lane revisions coming up. He said that is not regulatory in nature, but that is working with the community, church and Salisbury University to address their traffic control issues, along with letters they have received from the community. He said, in any case, what tends to happen is they will receive requests for a change in traffic control devices, they will analyze it, and, if it makes sense, they will put it in. He said they then start getting calls asking why things were changed, and it is a difficult challenge. Mr. Kilmer asked if Mr. Baker thinks parking issues still need to come before County Council, or should that be on his side of the table, to which Mr. Baker responded, they make the evaluations, and then make recommendations to Administration of what meets warrants and what does not meet warrants.

Mr. Joe Holloway said this issue of where the power lies, and whether the Executive does it or Council, seems to be one of the many things they have run into since the Government changed back in 2006, and this is just another example. He said they do not want to head in the direction of making this so complicated that it never gets done, such as the speed limit on Mt. Hermon Road. He said people have been asking for that for a year or two now, and he has not had any luck with it, so he thinks a firm policy needs to be in place. He said he thinks County Roads, from his experience, always tries to work with requests from County Council when they have something. He said a few years ago they had a situation with the speed limit on Outten Road, and that turned out to be a long, drawn out process before it was over with, and they do not want to complicate this too much making it too hard to get done in the end.

Mr. Cannon said his question is for Mr. Wilber. He then asked if he is familiar with other Counties that have an Executive form of Government, and what their Code states as far as the handling of this. He said this is a very common practice in all Counties, he is sure, and there has to be a process. He said this is just one of those holdouts that they happen to have where the form of Government changed and did not catch everything, and he thinks that is what they are looking at. He said he thinks the simple solution might be to see how the other Counties who have an Executive form of Government are doing it, and just see how far this has to go, and whether it has to be introduced by the Executive and then approved by Council. Mr. Kilmer said they probably do not even need to do that with a lot of the signs, but it would be good to have an answer for people to know whether they need to go before Council. He said they just need some clarity so people know whether it is Roads or Council, and that is what was missing.

Mr. Young said, for the non-subjective traffic improvements, as Mr. Baker mentioned, there is a Federal document, the MUTCD, that they follow. He said he can see a potential situation where a stop sign or a change is warranted, they come to Council for approval, and do not get that approval, and if there is an

accident there, the County could be liable. He explained, if they know that a certain traffic control measure is needed and they do not install it because, for example, they come before Council and it is voted down, they put themselves at risk in that situation. He clarified, that is for the non-subjective requests. He said, if they close a road or a section of a road for parking, that can go either way, and he thinks community input is critical, but he feels deviating from what is warranted by traffic control or traffic design standards would put the County in potential liability. Mr. Cannon asked if the Code could reflect that they do not want to be in violation of any other standards, to which Mr. Wilber responded, they will see what is discretionary and what is mandatory with Public Works, and he will come back to Council. He said they will all come back with more information.

Mr. Dodd asked who makes the decision if something is warranted, to which Mr. Baker responded, that is out of the Federal Standards Manual of Uniform Traffic Control Devices. He said Maryland has its own version they have tweaked. He said, like most Federal regulations, the State can have their own if it is equal to or more stringent than the Federal regulations. He said, when they get into the details, there are certain signs that Maryland does not use. Mr. Dodd asked, in Wicomico County's case, who would be the one making that decision, to which Mr. Baker responded, again, they go back to that manual, and there are a series of tests they run. He said, if someone wants to change something, they look at the traffic volume, how many crashes there have been, how severe the crashes have been, and the time of the occurrence. He said there is a whole list of things that go into a collection of data which they then put into these formulas. Mr. Dodd clarified, so Mr. Baker will say this is warranted, to which Mr. Baker responded, yes, and he will then make that recommendation to the powers that be. He will show Public Works' recommendation, show the warrants it meets, ask if they agree, and then move forward. Mr. Young said the more complex the project, such as a major development that was going to increase traffic, they would definitely subcontract that out to a traffic engineering firm to look at the current traffic demands, the proposed traffic demands, and then looking out to 2050 in terms of increase in population and how that affects things. He said this all goes back to running it through a warrant analysis to see if it warrants the traffic control, or what it does warrant. He said, for example, they would ask if it needs a four-way intersection there, or if it is good with just two stop signs and a flashing light. He said there is a process with that, and one of the things they mentioned is the MUTCD document, which is for consistency across the Country. He said there is a reason why their stop signs look the same as the City of Salisbury's and Delaware's. He explained, if they did not have that consistency, as soon as one crosses a municipal or State line, things could look totally different, so it is important that there is that consistency. He said it is the same with the traffic analysis. Mr. Joe Holloway said, in the end, they have their manuals they have to follow, but they also have to take into consideration what the citizens want because they are the ones using the intersections. He said the citizens who called Mr. Kilmer are an example where some of them wanted the stop sign, and some of them did not want the stop sign, so they have to take that into consideration. Mr. Wilber said, if the formulas all say there should be a stop sign and the County ignores it, he thinks they have a liability situation. Mr. Joe Holloway said, on the other side of the table, if the formula says they do not need a stop sign, but all the neighbors want one, what harm is it in having one. He then asked if that would mean they would not put one there because their formula says it does not call for it, but they have all of their citizens wanting it. Mr. Cannon said he thinks with whatever Mr. Wilber brings forward it would be good to suggest that maybe in this document they recognize what the Federal restrictions might be, but that is simply something they recognize, and is not something they mandate in the document. He said it would not be a mandate because they do not want to overcomplicate it. He said, for example, it could be something very simple where they have just a few people on one road who would like a stop sign, and the guidelines might say that no one has been killed in ten years, but maybe they do not want to wait for somebody to get killed, and it is simple enough. He clarified, Council would like to have the option to override it, not as if it is a


solid mandate. Mr. Baker said, just to be clear, if something meets warrants, that does not mean it is a "shall" condition. He said there are numerous intersections in the State that meet the warrant for a traffic signal, but when they look at the community, it just does not make sense. He said there are places where sometimes putting something in just because it meets the numbers does not pass the common sense test, so there are always exceptions. Mr. Young said a good example is speed humps, which are frequently requested on roads. He explained, if that road is meant to be a through road, they are not going to slow it down with a speed hump, or it may be a threat to an ambulance if that is a path that emergency personnel take. He said just because one person wants a speed hump does not necessarily warrant it. Mr. Baker added, it would kill their plows.

Mr. Wilber said they will see what they can find out and report back. Mr. Cannon asked him to find out what needs to be established as regulations, and what the process would be. Mr. Dodd asked if there is an intersection in particular they want to look at, to which Mr. Cannon responded, no. There was no further discussion.



John T. Cannon, President


Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1


Marc Kilmer, District 2

John B. Hall, District 4


Joe Holloway, District 5


Matt Holloway, At-Large


Laura Hurley, Council Administrator