

**PUBLIC COMMENTS AND QUESTIONS
RELATED TO DVRPC BOARD ACTION ITEMS**

March 27, 2014

Agenda Item:

**2e. Transportation Improvement Program (TIP) Action
NJ14-18: Route 45, Mullica Road to Route 322, (DB# D1406) Gloucester County**

From: Leonard Fritz

County: Gloucester

Zip Code: 08094

Date Received: March 18, 2014

Comment/Question: Would it be possible to include speed humps at the two pedestrian crossing locations similar to that which was done in downtown Williamstown, Monroe Township, Gloucester County to help keep traffic speed down and to highlight the pedestrian crossings?

Gloucester County's Response: Speed humps are not an appropriate traffic control measure on a major classification of a roadway and are not permitted on County roadways (principal arterial roadway under County control) as compared with the local municipally controlled section of Main Street in Williamstown. The County has included within the project scope a pedestrian push button activated rapid flashing beacon at the pedestrian crossing at Woodland Avenue to address this concern.

From: Leonard Fritz

County: Gloucester

Zip Code: 08094

Date Received: March 19, 2014

Comment/Question: I would like to recommend that pedestrian crossing - speed hump combinations as done on Main Street in downtown Williamstown, Gloucester County, NJ be placed at at least two (2) locations along Route 45 as it passes through Mullica Hill. Specifically, there should be one at the current crosswalk on Main Street at the intersection with Woodland Avenue since many motorists use this road to "bypass" Route 322 traffic. The second one should be north of the intersection with Mullica Hill Road (GC Rte. 322) connecting the two parking lots that patrons use to go to the Old Mill building and the businesses on the opposite side of the road to slow down the motorists in this area trying to beat the traffic light. A third one may be useful at the top of the hill near the intersection where Routes 45 and 77 split.

Response: Gloucester County Responds: Speed humps are not an appropriate traffic control measure on a major classification of a roadway and are not permitted on County roadways (principal arterial roadway under County control) as compared with the local municipally controlled section of Main Street in Williamstown. The County has included within the project scope a pedestrian push button activated rapid flashing beacon at the pedestrian crossing at Woodland Avenue to address this concern. Additionally the location noted at the Old Mill is outside the project limit. The Route 45/77 split is also outside the project limit and the County's jurisdiction (NJDOT jurisdictional control).

6. Adoption of Disclosure of Public Records Policy

Note: This comment was received in September 2013 when this draft policy was initially placed on the Board agenda. The policy was then removed from the agenda and this comment held until the policy was redrafted.

From: Paul Nussbaum

County: Philadelphia

Zip Code: 19107

Date Received: September 19, 2013

Comment/Question: DVRPC Public Records Policy. As a journalist, I am concerned that the proposed public records policy will result in too little disclosure and too little transparency. I suggest you consider making the following changes: Define more narrowly the exemption for "pre-decisional deliberations." As written, the exemption could preclude disclosure even of proposed actions by the Commission until final action has been taken. The DVRPC policy also should reflect federal court rulings that have defined a distinction between "materials reflecting deliberative or policy-making process on the one hand, and purely factual, investigative matters on the other," with the exemption protecting the former, but not the latter. EPA v. Mink, 410 U.S. 73, 89 (1973). Give requesters more latitude in the form by which they can request information. Permit a simple letter or email, clearly stating that it is a public records request, to suffice. Provide the proposed Public Records Request Form in the proposed policy. Although the draft says the form is attached, I am unable to find it. Provide an avenue of appeal beyond the DVRPC's own Executive Committee. Allowing appeals only to the Executive Director and the Executive Committee makes the appeal process self-serving for the DVRPC. Instead, outline an appeal process through a designated arbitration or court process that permits outside scrutiny of the DVRPC's decision. Better yet, simply adopt the public records policies of state or federal government. Why should the DVRPC re-invent this wheel? It would be logical to simply adopt, as DVRPC policy, the already existing policies of either Pennsylvania, New Jersey, or the federal government.

Response: Thank you for your comments. Since the initial draft policy proposed in September, there have been several changes. DVRPC has a long history of serving the public in a transparent and cooperative manner. We have, for years, put emphasis on access to data and records, as well as supporting public involvement in all plans and programs. The intent of the update to DVRPC's Disclosure of Public Records Policy is to continue this practice. It is incumbent upon us, however, to explain those areas that are exempt from disclosure. Actions proposed for the Commission are posted publicly ten days before the Commission meeting; prior to that they remain pre-decisional. You will also note on the draft that we have clarified the difference between pre-decisional deliberations and purely factual materials as you suggested. We have also included the request form that you questioned previously. Having requesters complete this form provides us with a written record of what the requester is seeking and eliminates any misunderstanding of the records that are being sought. As noted in the policy, we can assist as needed in completing that form. Because DVRPC is not subject to Pennsylvania's Right to Know Law nor New Jersey's Open Public Records Act, there is not another avenue for appeal. We cannot declare ourselves subject to state and federal laws to which we are not subject. As such, the Executive Committee is the appropriate forum for appeals.