

GRAMA Notice of Appeal to State Records Committee

Note: Utah Code § 63G-2-403 (GRAMA) provides that any person may further appeal the chief administrative officer's denial of an appeal by filing a notice of appeal with the State Records Committee. This notice must be filed within 30 days of the response from a governmental entity's chief administrative officer or no later than 45 days after the records request was made if the following occur: the governmental entity claims extraordinary circumstances, and the chief administrative officer failed to make a determination.

Requester's information

Name: Michael Clara (Poplar Grove Neighborhood Alliance) Date: August 23, 2018

Address: [REDACTED] City/State/Zip:

Daytime telephone number: [REDACTED]

Make request to

SRC Executive Secretary
346 South Rio Grande Street
Salt Lake City, Utah
84101 grama@utah.gov

Explanation of Relief Sought

Note: Relief can relate to conflicts over denial of access to records (Utah Code § 63G-2-102) as well as disputes over fees (Utah Code § 63G-2-203(6)) or extraordinary circumstances (Utah Code § 63G-2-402).

The State Records Committee can also use the weighing provision to order the release of records that are properly restricted if it determines that the interests favoring access are greater than or equal to the interests favoring restriction (Utah Code § 63G-2-203(11)).

Please see attached letter detailing our statement of facts

Inclusions for notice of appeal

The State Records Committee requires documentation and has specific appeals procedures which are outlined in Administrative Rule: Title R35. Administrative Services, Records Committee, and should be reviewed by a petitioner.

This petition to appeal to the State Records Committee requires the following attachments or inclusions:

- Statement of facts, reasons, and legal authority in support of this appeal
(see Utah Code § 63G-2-403(3)(b)).
- Original GRAMA request
- Notice of denial from the governmental agency's records officer
- Notice of appeal to the governmental entity's chief administrative officer (Optional)
- Notice of decision from the governmental entity's chief administrative officer

This notice of appeal must, **on the same day**, also be forwarded to the governmental entity to which the records request was made (Utah Code § 63G-2-403(3)).

- Notice of appeal sent to agency

Request assistance

A petitioner may request assistance from the government records ombudsman. The ombudsman's responsibility is to serve as a resource for a person who is filing an appeal relating to a records request. The ombudsman may also attempt to mediate disputes between requesters and responders (Utah Code § 63A-12-111(2)).

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Poplar Grove Neighborhood Alliance
Barrio Álamo Arboleda Alianza



COMMUNITY
ORGANIZING



23 August 2018

DELIVERED VIA ELECTRONIC MAIL

State Records Committee (SRC)
% Ms. Proctor, SRC Executive Secretary
346 South Rio Grande
Salt Lake City, Utah 84101-1106

Subject: 900 West Road-Diet Fiasco

Dear State Records Committee,

On behalf of the Poplar Grove Neighborhood Alliance and in accordance with Utah Code § 63G-2-403 (GRAMA) we are appealing, Salt Lake City Mayor Biskupski's office, denial of our GRAMA appeal ¹. We submit this **Notice of Appeal**, pursuant to Utah Code §63G-2-203(6)(a) which stipulates the following:

A person who believes that there has been an unreasonable denial of a fee waiver...may appeal the denial in the same manner as a person appeals when inspection of a public record is denied...

We initially requested the most current traffic counts on 900 West as well as associated documents in reference to the Salt Lake City Transportation Division "Road Diet" lane reduction project on 900 West in the Poplar Grove area. ² In this appeal, we will outline the elements that constitute the Biskupski administration's:

...unreasonable denial of [our] fee waiver... ³

Furthermore, it is our intent to unmask the multiple tactics deployed by the Salt Lake City Transportation Division, tactics that have the sole purpose of thwarting civic engagement of westside residents. **Deliberative Democracy** insists on a meaningful role for citizens in public decisions. Throughout our "statement of facts" for this appeal, the State Records Committee will read about the Transportation Division's actions designed to exclude Salt Lake City's west-side residents from the "deliberative democracy" process. The Committee will also note that instead of correcting the unethical behavior, the Biskupski administration moved to support, endorse, and perpetuate the Transportation Division's acts of obfuscation. ⁴ Consequently, we have been forced to invoke GRAMA.

¹ See Mr. Patrick Leary (Chief of Staff, Salt Lake City Mayor's Office) Appeal Denial Letter 07/27/18

² See Poplar Grove Neighborhood Alliance -GRAMA Request 06/28/18 (City Records Request #C048964-062818)

³ See Utah Code §63G-2-203(6)(a)

⁴ See Merriam-Webster: *Obfuscation (transitive verb) to throw into shadow, to make obscure, confuse; (intransitive verb) to be evasive, unclear, or confusing...* We use the term to mean the Transportations Division practice of communication in a deliberative confusing or ambiguous manner with the intention of misleading. The result of this practice is to encourage the status quo, prevail. In this case, it allows a poorly executed street project to stay in place.

PROCEDURAL HISTORY

On June 28, 2018 – We submitted a GRAMA request for copies of all data and information used by the Salt Lake City Transportation Division to conclude that reducing the number of lanes on 900 West in the Poplar Grove area would result in a:

...19% to 29% reduction in crashes⁵

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Below is a screen grab of what the Salt Lake City Transportation Division published on their web page in reference to the 900 West Road Diet project:

The screenshot shows a website page with a navigation menu on the left and main content on the right. The navigation menu includes sections for 'Transportation' (with sub-items like 'What's Happening On Your Street?', 'Plans and Studies', 'Traffic Operations', 'Bicycling', 'Transit', 'Walking', 'Public Parking', 'Design, Permits & Construction', 'Dumpsters & Moving Pods', 'Transportation Advisory Board (TAB)', 'Car Sharing', 'Urban Trails') and 'My Quick Links' (with sub-items like 'Online Jobs Center', 'Court Payments', 'Pay Water Bill', 'Civil Payments', 'Citizen Access Portal'). The main content area is titled 'Transportation - 900 West Lane Reconfiguration' and contains sections for 'Project Overview', 'Project Understanding', and 'Project Illustrations'. The 'Project Overview' section states that 900 West will undergo a lane reconfiguration to increase livability, safety, and opportunities for all roadway users. The 'Project Understanding' section lists three key points: traffic volumes are within the range of other successful lane reconfigurations; roadways with similar characteristics have seen a 19% to 29% reduction in crashes; and the reconfiguration is expected to reduce speed differential and vehicles weaving in and out of travel lanes. The 'Project Illustrations' section includes two side-by-side photographs: 'Existing Layout' showing four travel lanes and 'Proposed Layout' showing a bike lane, two travel lanes, and a center lane.

Transportation - 900 West Lane Reconfiguration

Project Overview

900 West will undergo a lane reconfiguration to increase livability, safety, and opportunities for all roadway users. The project will transform 900 West from North Temple to 2100 South into a complete street roadway with bike lanes, one vehicle lane in each direction, a center turn lane, and pedestrian and bus amenities. The roadway width will remain as it currently exists with the space for bike lanes coming from repurposing a vehicle travel lane. The City Council-approved project is supported by the Westside Master Plan, the Pedestrian and Bicycle Master Plan, and the City's complete streets ordinance.

The project is being planned by the Salt Lake City Transportation Division and is anticipated to be implemented in the summer/fall of 2017.

For additional inquiries please contact us at: TransportationInfo@slcogov.com.

Project Understanding

The lane reconfiguration, which is intended to increase the safety and mobility for all roadway users, is supported by the following:

- Traffic volumes on 900 W are within the range of other successful lane reconfigurations in the City.
- Roadways with characteristics similar to 900 W have seen a 19% to 29% reduction in crashes after implementation of a lane reconfiguration.
- The lane reconfiguration is expected to reduce speed differential and vehicles weaving in and out of travel lanes.
- A center turn lane will be provided in areas where one currently does not exist. The center turn lane provides left-turning motorists an area outside of the travel lane to decelerate and stop while waiting for a gap in opposing traffic. Installations of center turn lanes has been shown to significantly reduce crashes, specifically injury and rear-end crashes.

Project Illustrations

The following illustrations show an example of the proposed lane reconfiguration. The final design will be completed by Salt Lake City Transportation and may differ from what is shown here.

Existing Layout

Proposed Layout

⁵ See Salt Lake City Transportation Division web page: 900 West Reconstruction

We also requested the following:

- *Copies of traffic counts used to justify the lane reduction*
- *Copies of the most current traffic counts on 900 West in the Poplar Grove area*
- *Information referenced in a July 27, 2017 -West View Media article titled: Two Version of Traffic Calming Installed on the West Side by Sarah Morton Taggart:*
 - *“According to Matthew Rojas, Director of Communications for the Office of the Mayor, community outreach for the project began in Fall 2016 and included six community council meetings, divided between Glendale and Poplar Grove, where staff presented details of the project and answered questions from the public. Mailings were also sent to all residents and business owners along 900 West from North Temple to 1700 South to inform them of the project.”*
 - *We requested copies of the agendas and minutes to the six community council meetings referenced by Mr. Rojas.*
 - *We requested a copy of the “mailings” that were sent to residents and businesses.*
 - *We requested a list of the addresses that these “mailings” were sent to.*
 - *“According to Salt Lake City’s Department of Transportation, similar changes on California Ave between Redwood Road and 700 West resulted in a 24 percent reduction in crashes while the percentage of injuries on that stretch of road decreased by 29 percent.”*
 - *We requested copies of all data and information used by the Transportation Division to support the claim that there is a “24 percent reduction in crashes” and a “29 percent” decrease in injuries on California Avenue between 700 West and Redwood Rd.*

On July 10, 2018 – Salt Lake City Department of Community and Neighborhoods sent us a Fee Waiver Denial Letter:

Please be advised that your fee waiver request is denied. Salt Lake City charges a fee of \$11.00 per hour for the cost of staff time for search, retrieval and other direct administrative costs for complying with a request pursuant to Utah Code § 63G-2-203(2)(a)(ii). We estimate a minimum of 9 hours of staff time to research and compile responsive records for your request. As a result, a prepayment of \$99.00 is required before the City will begin to process your records request.⁶

On July 12, 2018 – We filed a GRAMA Notice of Appeal to Salt Lake City’s Chief Administrative Officer:

We are appealing the fee waiver denial that we received from Ms. Galina Urry, Department of Community and Neighborhoods on 07/10/18...⁷

On July 27, 2018 – We received a letter from Mayor Biskupski’s Chief of Staff, advising us that he is upholding the fee waiver denial.

...Other than a conclusory statement, you have failed to demonstrate that a fee waiver benefits the public generally...Also, you have requested substantially similar records in requests nos. C041692-011118 and PO41075-011818. The records subject to your request would not “significantly” contribute to public understanding of the operations of the City...your appeal of the denial of your fee waiver request is denied.⁸

⁶ See Salt Lake City Records – Fee Waiver Denial Letter 07/10/18 (City Records Request #C048964-062818)

⁷ See Poplar Grove Neighborhood Alliance –GRAMA Notice of Appeal 07/12/18 (City Records Request #C048964-062818)

⁸ See Leary Denial Letter 07/27/18 *opt cit.*

On August 23, 2018 – We submitted this GRAMA Notice of Appeal to the State Records Committee.⁹

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⁹ See Poplar Grove Neighborhood Alliance -GRAMA Notice of Appeal to the State Records Committee 07/31/18