

Per Doreen 1/9/15

Case -

PRELIMINARY INVESTIGATOR'S REPORT

January 7, 2015

TO: David Krech, PE
Doreen Frost, Executive Director

FROM: Lynette DuFresne *LD*

RE: Charles Marohn, PE #40142
File No. 2015-0024

ALLEGATION: Misconduct on a website that the Respondent set up as a non-profit site.

Complaint:

Complainant alleges that the Respondent has a non-profit website where the Respondent blogs, does podcasts, and speaks around the country. The Respondent's website is called Strong Towns. Complainant feels he crossed the line as a professional on a blog he posted on 12/3/2014.

Response to the allegation(s):

I have not sent an allegation letter at this time.

Lynette's summary:

Facts:



The Complainant did not include a copy of the article. I pulled it and attached it to the complaint.

I went to the website www.strongtowns.org and under the staff tab located at the bottom of the home page, it does show the Respondent as a PE. (See attached.)

Respondent is licensed as a PE with the Board and is current.

What I am struggling with is that on the home page website, it does state that 'Strong Town' is a non-profit organization. Blogging may be his right to free speech. In reading the 12/3/2014 blog, the Respondent does seem to criticize professional engineers in general, but I could not see where he singles out one in particular engineer.

Does this rise to the level of a complaint? If so, please let me know what questions I need to ask. Please state all potential violations. If the Committee would want to send

an educational letter to the Respondent, we must first send him an allegation letter because the Board feels there may be a potential violation.

Investigator's Request:

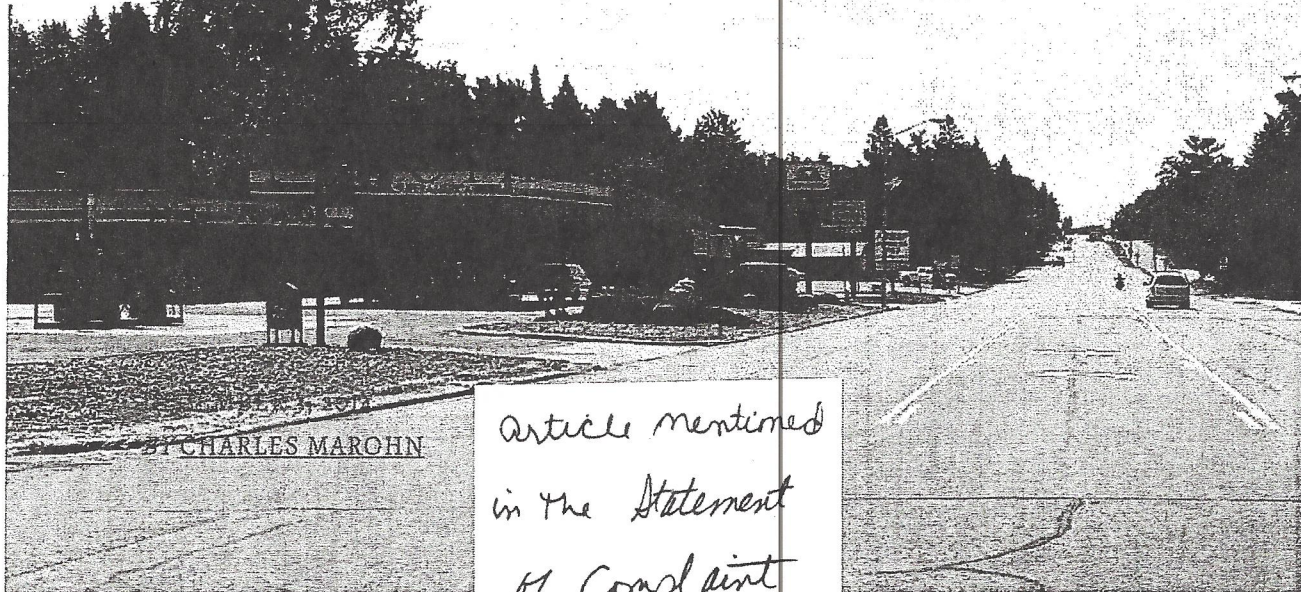
Please review the complaint and let me know how to proceed with the file.

Enclosures: Copy of the complaint

CC: Michele Owen

STRONG TOWNS

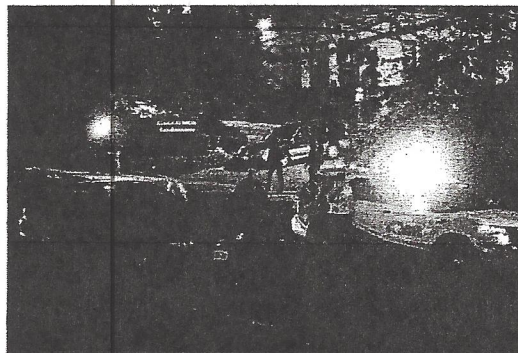
HOME MISSION BLOG PODCAST
BECOME A MEMBER



Article mentioned
in the Statement
of Complaint

Today Jim Kumon and I are in Springfield, Massachusetts, where last night we delivered our last Curbside Chat of 2014. It is fantastic to do this here because not only is it the home of one our longtime supporters – Steven Shultis of Rational Urbanism – but Springfield is one of these forgotten places perfectly positioned to be included in the next generation of great cities.

Still, I went to bed last night feeling a little depressed. Here's why:



A 7-year-old girl remained in critical condition at a city hospital late Tuesday morning, Sgt. John Delaney said.

The girl's mother and 8-year-old cousin, initially listed in serious condition following the accident, are improving and in stable condition, Delaney, public information officer for the department, said.

The driver, Sandra S. Zemtsova, 48, of Russell Street, West Springfield, was arrested and charged with three counts of operating under the influence of liquor resulting in serious bodily injury and negligent operation of a motor vehicle.

The accident occurred about 5:30 p.m. as the woman, her daughter and her niece came out of the library and attempted to cross directly across the street to the parking where their car was parked, Delaney, public information officer for the department, said.

They were hit in one of the westbound lanes as they attempted to cross near the front steps of the library, some distance away from the nearest crosswalk at the signalized intersection of State and Chestnut Streets.

The seven year-old (she's the same age as my daughter) is not expected to live. The eight year old has two broken legs and head injuries. A family's entire existence has been transformed for the worse. This is a monumental tragedy....

....that happens thousands of times each year.

I'm sad because the world doesn't need to be this way. This particular death was completely foreseeable by anyone who has ever spent any amount of time outside of a vehicle. In fact, here's from that article:

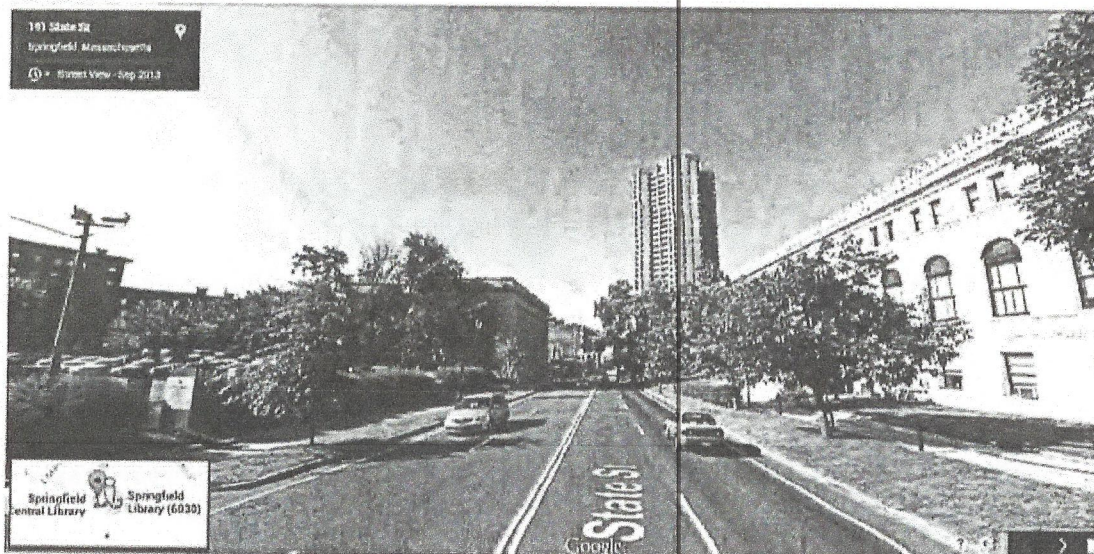
Carol Costa, president of the Armoury-Quadrangle Association, said the lack of a safe crossing in front of the library has long been a great concern to the association.

"There have been many accidents and near-accidents there over the years," Costa said. "It's a terrible thing, last night's accident was just awful, but I have to say that it's not surprising given the circumstances."

Costa said there used to be a crosswalk there some years ago, marked by an orange traffic barrel. Even then, however, the association lobbied for something even more visible, she said.

The crosswalk was removed, however, and a hedge and chain fence were installed directly in front of the library to encourage those seeking walk across State Street to do so at the Chestnut Street intersection, Costa said.


Let me show you what is going on. In the picture below you will note the library on the right side, the parking lot on the left. Look way down the street and you will see the signalized intersection. The engineers here have determined that the flow of traffic on this despotic, over-designed urban stroad cannot be inconvenienced by being forced to slow down to a humane speed. Instead, they erect hedges, fences and other barriers to force the inconvenience on the mother and her two children, who – it should be noted – were walking in the sleet after spending some time at the public library.



A couple of years ago, Steve Shultis' daughter put together a video demonstrating the absurdity of this kind of behavioral engineering. I can't find a link to the video at the moment, but it brilliantly showed how essentially everyone using the library during a three hour period did the rational thing and jaywalked across the street.

Here's what I am just fed up with:

- The engineering profession is so worried about liability if they vary from any highway design guideline, regardless of how ridiculous they are. Someone needs to sue these engineers for gross negligence and turn that entire liability equation around. It's way past time.
- Professional engineers here and elsewhere use "forgiving design" principles in urban areas where they do not apply. They systematically forgive the mistakes of drivers who stray from their lane or go off the roadway by designing systems

where these common mistakes are anticipated and compensated for. They systematically show indifference to the easily anticipated mistakes of non-drivers. A kid playing in their yard chases a stray ball out into the street and gets run down. To the engineer, this is a non-foreseeable, non-preventable accident. For everyone else, we understand that cities are more than cars – they include people doing all kinds of complex things – and forgiving the common mistakes of ALL  people is what a humane, decent professional does.

- Professional engineers claim that they cannot alter human behavior with their street designs. A highway lane width is 13 feet just the same as your local street lane width. There is often no appreciable difference in the cross section of a highway and a local street except for the posted speed limit, which is up to the police to enforce. (I wrote about this years ago.) Despite this, the engineers in this situation – knowing there was an obvious problem – as well as many others in similar situations, put their brains to work to come up with all kinds of ways to attempt to alter human behavior, but only for those humans outside of their automobiles. For humans not in a car, we erect fences, hedges and other barriers to get them to go where we think best. Which is it, engineers? Are we behavioral scientists or not?

I'm fed up with people being killed because my profession contains a bunch of dogmatic idiots. I'm sure the response of some will be: But Chuck, the driver was drunk, this isn't the engineer's fault. Ridiculous. If I had a \$100 for every time I heard an engineer recommend some stupid tree removal or curve widening because "some drunk is going to come through here and get killed" I would be fully funding Strong Towns with the interest off my latent wealth. We consider the drunk when it suits our purposes – the free flow of traffic – and ignore them when it doesn't. That's the sign of a broken moral compass.

The right thing to do here is pretty obvious: SLOW DOWN THE CARS! When you enter into an urban environment, the expectation must be that travel speeds are very slow (I think a 20 mph design speed is too fast – 15 mph would be the top in my opinion) because we need to FORGIVE the common mistakes of humans, both in their cars and out. In a complex urban environment, the only way to do that is to slow down the speed of travel. We must lower the cost of a mistake.

But Chuck... we can't do this, says the incompetent fool of an engineer. In my world – in a just world – that engineer loses their job tomorrow (and their license) because they are a danger to society. We CAN slow down cars and we must. There are all kinds of ways to create the edge friction needed to induce the vast majority of drivers to drive at a safe speed. Then police can actually deal with the deviants, not just sit in the usual spots and easily pull over their quota of drivers who are innocently traveling the design speed instead of the posted speed.

We can slow down cars and we must. It will take a driver two minutes to travel a mile at 30 mph. It will take four minutes to cover the same distance at a safe speed. When we're talking about the open road and the long distances between productive urban areas, then that time difference starts to matter. When we're talking about the six blocks needed to travel to get from one side of the neighborhood to the other, that amount of time is less than insignificant. When compared to the value of a human life, it is tragically pitiful.

This one's on you, engineering profession, Society is done tolerating this level of indifference, incompetence and incoherence. What are you going to do?

