

Subject:

RE: Phony Speed Limit signs on Hood Canal Drive, N. Kitsap Co.

From: "ATG MI AGO Ombudsman" <agoombudsman@ATG.WA.GOV>

Date: Tue, Feb 12, 2008 4:30 pm

To: <info@beep4bumps.com>

John Hostvedt,

It is likely against the law for a "citizen" to remove speed limit signs without legal authority. I don't know the exact law that makes such an act criminal, but it would likely be under Title 9A RCW. I have never been a prosecutor, but would guess that a potential charge is theft of municipal property. It would not be a crime for a "municipality" to remove and replace a speed limit sign that it owns, even if the new sign is in error. Agents working on behalf of the municipality, or at its direction would be protected.

Since you say that you don't know who posted the false signs, I can't really tell you if a law was in fact broken. Moreover, I don't issue such opinions on whether criminal laws have been broken.

You can request an audit from the State Auditor's Office. Their website is <http://www.sao.wa.gov/>.

I hope this helps.

Tim Ford

From: info@beep4bumps.com [<mailto:info@beep4bumps.com>]
Sent: Tuesday, February 05, 2008 1:38 AM
To: ATG MI AGO Ombudsman
Cc: StateAuditor@sao.wa.gov
Subject: Phony Speed Limit signs on Hood Canal Drive, N. Kitsap Co.
Importance: High

Dear Mr. Timothy Ford,

I have an extremely important legal question. I'll pose it both hypothetical **and** literally. It definitely relates to Open Government and your role as our state's ombudsman on Open Government. I'm blind copying (bcc:) a mailing list (the www.beep4bumps.com mailing list) for their information since it greatly concerns them, most of whom are concerned citizens of North Kitsap County.

Hypothetical first. If I, for example, decide that the speed limit in front of my house is too high and I decide to take matters into my own hands and tear down the speed limit sign and replace it with a different sign that has a different speed limit, one that I personally prefer, is it safe to assume that would be a crime? If so, how serious of a crime would it be? What classification would that crime have and what sort of investigation would it call for? I've heard that it's a federal crime to falsify speed limits/traffic signage but I don't know if that relates only to federal highways or to county roads as well.

Now for the not so hypothetical. This action I described above actually DID occur at some point within the last three years on Hood Canal Drive in Kitsap County. This is a documented fact. It's not known, apparently, who posted the false speed limit signs - but this action was acknowledged by the former Chair of the Kitsap County Commission, Chris Endresen. What's worse, this phony speed limit was *enforced* by the local sheriff's dept. until the speed limit was revealed as phony. How it got revealed is unclear but I'm guessing that someone questioned a speeding citation and it was then discovered that the 25 mph speed limit was actually fraudulent and in fact, the legal speed limit, although lacking a sign, was really 35 mph at that time. I've asked the Kitsap County Sheriff's dept. for records of this and they gave me an answer that has shocked me. (see attached.) It's both difficult and frightening to imagine that a law enforcement agency can be this asleep at the wheel.

I'd like your thoughts on this. I'm deeply concerned about this issue because it calls into question the legitimacy of ALL of our Kitsap County speed limits. If Hood Canal Drive could post a false speed limit with no repercussions, who else is doing the same in our county? Do you have any thoughts on how I or any citizen of the county could request an audit of all roads and their posted limits?

Please weigh in on this. There are many North Kitsap County residents affected by this.

Thanks!

--John Hostvedt, North Kitsap County