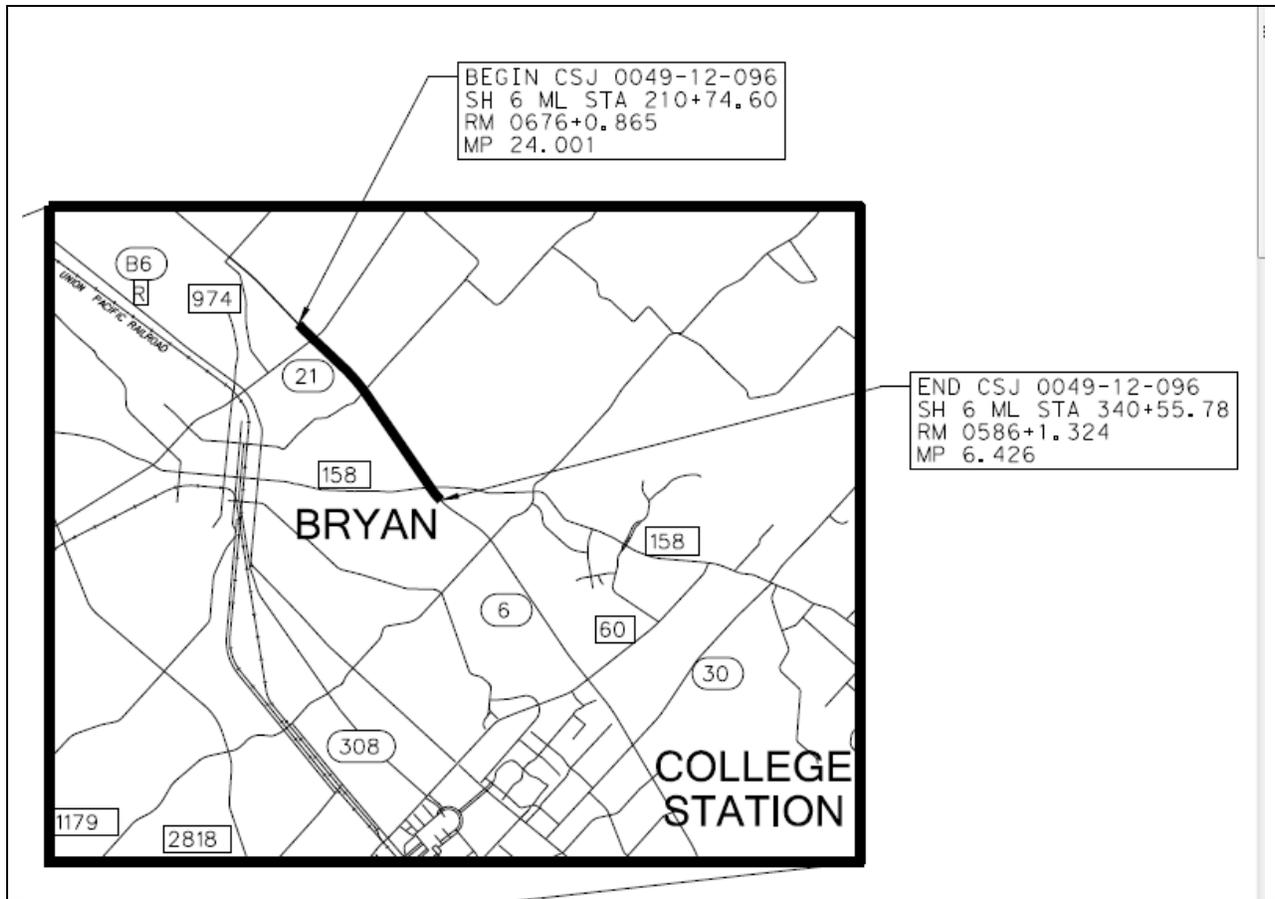


ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: May 12, 2015		DATE SUBMITTED: April 7, 2015	
DEPARTMENT OF ORIGIN: Public Works - Engineering		SUBMITTED BY: W. Paul Kaspar	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<p>AGENDA ITEM DESCRIPTION: Consideration of an ordinance changing the posted speed limit of State Highway 6 from 75 miles per hour to 65 miles per hour from 0.12 miles south of W. J. Bryan Parkway (FM158) to 0.24 miles north of State Highway 21. The speed limit change is for the duration of the Texas Department of Transportation (TxDOT) highway improvement project, CSJ 0049-12-096, on SH 6, modifying the access ramps on this 2.456 mile stretch of the main lanes of SH 6.</p>			
<p>SUMMARY STATEMENT: Previously (in 2012) the City Council lowered the speed limits for the current ramp construction project finishing up by TxDOT. TxDOT is now planning additional ramp work to the north of the previous speed limit reduction (which was south of FM 158 to the southern city limits). The construction project will bid in June 2015 and TxDOT has asked for this speed reduction prior to the project beginning.</p> <p>To improve the safety of the construction crews in the work area and the motoring public traveling through the work zone, TxDOT has requested that the City of Bryan temporarily reduce the regulatory speed in the work zone from 75 to 65 miles per hour. The project limits is from just south of W. J. Bryan Parkway (FM158) at Mile Post 21.001 on US190 to just north of State Highway 21 at Mile Post 6.426 on State Highway 6 running approximately 2.456 miles.</p> <p>TxDOT's <i>Procedures for Establishing Speed Zones</i> manual describes the process for establishing a regulatory construction speed zone within an incorporated city, which includes two options. The first (and preferred) option is the local government establishes a regulatory construction speed zone by adopting an ordinance; the second option is for TxDOT's Transportation Commission to enact an official Minute Order of the same effect. TxDOT prefers the local government establish an ordinance because it more easily allows local public opinion to be considered, and it ultimately is the local government's responsibility to enforce this regulation. The accompanying ordinance establishes a temporary 65 mile per hour regulatory construction speed zone along the section of SH 6 listed above and as shown on the attached map.</p> <p>The construction speed zone is temporary, only effective during construction, and expires after the completion of the TxDOT construction project. TxDOT and its contractor will be responsible for placing all signs and establishing the times when the reduced speed zone is in effect based upon the work in progress and traffic control plan in the construction plans.</p> <p>TxDOT is planning to have the contractor begin work in late summer to early fall 2015. The speed limit will be posted early in the project and will remain until the work is complete.</p>			



STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving an ordinance temporarily amending Chapter 118 of the Bryan Code of Ordinances by changing the posted speed limit on SH 6 from 75 to 65 miles per hour between Mile Post 21.001 on US190 to Mile Post 6.426 on State Highway 6 for the duration of TxDOT’s highway improvement project on SH 6 (Project CSJ 0049-12-096). The proposed change will enhance worker and motorist safety in this area. Passage of the construction speed limit will allow TxDOT to more safely construct the proposed improvements on SH 6. Adoption of this ordinance may cause minor inconvenience to motorists using SH 6 during the construction period of the project.

OPTIONS (In Suggested Order of Staff Preference):

1. Approve the ordinance amendment
2. Do not approve the ordinance amendment.

ATTACHMENTS: Ordinance with Exhibit

FUNDING SOURCE: Not applicable.

APPROVALS: Jayson E. Barfknecht 04/13/15; Hugh R. Walker, 04/17/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 4/20/2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 4/21/2015

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, TEMPORARILY ALTERING THE PRIMA FACIE SPEED LIMIT ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, V.T.C.A., ON A PORTION OF THE THOROUGHFARE KNOWN AS STATE HIGHWAY 6 WITHIN THE BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF BRYAN, TEXAS, AS SET OUT IN THIS ORDINANCE; PROVIDING FOR FORMAL DESIGNATION OF SPEED LIMITS BY SIGNAGE OR OTHER REQUIRED NOTICE IN CONFORMANCE WITH STATE LAW; REPEALING ORDINANCES INCONSISTENT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THIS ORDINANCE WAS PASSED WERE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan received a request from Texas Department of Transportation to reduce the speed limit through incorporated limits of the City of Bryan for the proposed construction zone on SH 6 as shown on the attached Exhibit A; and

WHEREAS, the Transportation Code, V.T.C.A., provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances of such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice are erected at such intersection or other place or part of the street or highway; and

WHEREAS, the City has determined based on factual information and investigation, the need for the revised speed limits during construction as set out herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

Section 1.

That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2.

That upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Transportation Code, V.T.C.A., other State laws and the City Code of Ordinances, the following prima facie speed limits hereinafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the following named streets and highways, or parts thereof, during construction, as shown on the attached Exhibit A and described as follows:

The maximum prima facie speed limit shall be 65 mph along SH 6 from 0.12 miles south of W. J. Bryan Parkway (FM158) to 0.24 miles north of State Highway 21. That this temporary speed limit shall expire when roadway improvements have been completed

and formally accepted by the City, and the maximum prima facie speed limit shall thereafter return to 75 mph.

Section 3.

That appropriate signs and other markers shall be erected or appropriately affixed to or adjacent to the roadway in accordance with state and local law and regulations designating and notifying the travelling public of said speed zone.

Section 4.

That any person found guilty of violating this ordinance will be fined not more than \$200.00 for each offense, except that if the offense is committed when workers are present in the construction zone, the person found guilty of violating this ordinance will be fined not more than \$400.00.

Section 5.

That all ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency.

Section 6.

Should any provision, section, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances, and to this end, all provisions of this ordinance are hereby declared to be severable.

Section 7.

That this ordinance will be in effect only during the period of construction. The temporary speed limit shall expire when roadway improvements have been completed and formally accepted by the City.

Section 8.

That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided thereof, and the effective date of the ordinance.

Section 10.

That this ordinance shall be effective from and after its date of passage and publication as required by law.

PRESENTED AND GIVEN first reading the 28th day of April, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 12th day of May, 2015, by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT A – LOCATION MAP

