

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 I.

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 60 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 70 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 6th day of December, 2016, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 10th day of January, 2017, by a vote of _____ yeses and _____ noes at a regular meeting of the City Council of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

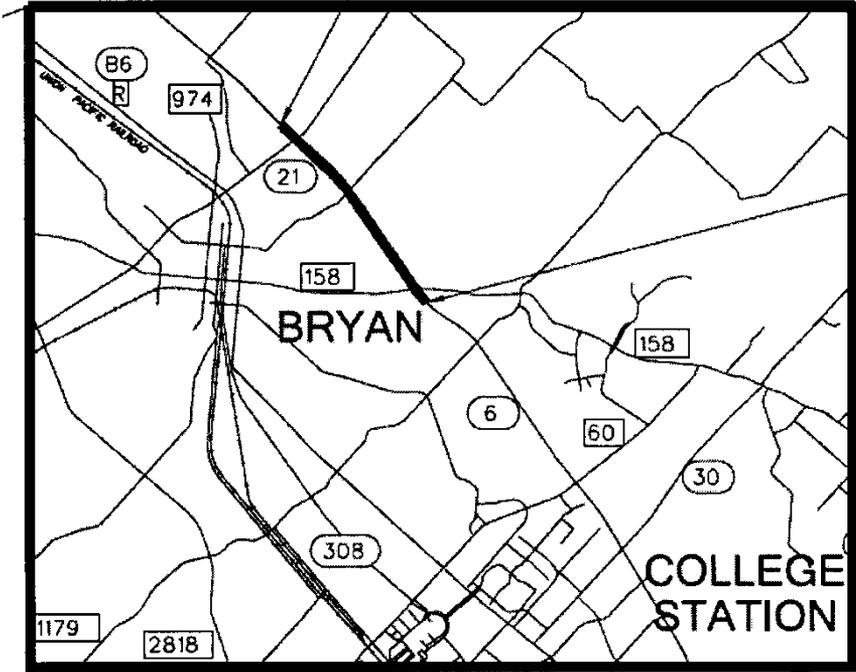
Andrew Nelson, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT A-LOCATION MAP

BEGIN CSJ 0049-12-096
SH6ML STA 210+74.60
RM 0676+0.865
MP 24.001



END CSJ 0049-12-096
SH6ML STA 340+55.78
RM 0586+1.324
MP 6.426