

ACTION FORM BRYAN CITY COUNCIL

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| DATE OF COUNCIL MEETING: August 6, 2013 | | DATE SUBMITTED: July 12, 2013 | |
| DEPARTMENT OF ORIGIN: PW – Traffic Ops. | | SUBMITTED BY: Dale Picha | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: | STRATEGIC INITIATIVE: |
| <input type="checkbox"/> BCD | <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> 1ST READING | <input checked="" type="checkbox"/> PUBLIC SAFETY |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2ND READING | <input type="checkbox"/> SERVICE |
| <input checked="" type="checkbox"/> REGULAR | <input checked="" type="checkbox"/> STATUTORY | | <input type="checkbox"/> ECONOMIC DEVELOP. |
| <input type="checkbox"/> WORKSHOP | <input type="checkbox"/> REGULAR | | <input checked="" type="checkbox"/> INFRASTRUCTURE |
| | | | <input type="checkbox"/> QUALITY OF LIFE |

AGENDA ITEM DESCRIPTION: Consideration of an ordinance amending Chapter 118-55, “Traffic and Vehicles – Schedule of Maximum Speed Limits” to raise the speed limit on Austin’s Colony Parkway.

SUMMARY STATEMENT: When the first phase of Austin’s Colony Parkway, from FM 158 / Boonville Road to the southern-most intersection of Settlers Way, was originally constructed in 1994, staff presumes that the City posted a 30 mile per hour speed limit on this roadway when it was opened to traffic. At the time, this speed limit was probably appropriate because the roadway only served the first four phases of the Austin’s Colony development (approximately 140 homes). The original design criteria appears to meet today’s design standards for a 35 mile per hour design. Over time, as the roadway was extended through future development in each direction, the 30 mile per hour speed limit was also extended, so that currently, from the State Highway 6 East Frontage Road to Old Reliance Road, the entire length of this roadway is posted as a 30 mile per hour speed zone.

Over the past four years, upon requests from the Bryan Police Department and citizens, staff has conducted speed studies on Austin’s Colony Parkway to determine if the existing speed limit is appropriate. These studies involve the collection and analysis of hundreds of vehicle speed data along the roadway at several locations using road tubes and/or radar devices. In each of the studies, with the most recent being conducted in the Fall of 2012, the data have indicated most of the vehicles traveling along this roadway are traveling at or above the posted speed limit of 30 miles per hour. Furthermore, an analysis of speed data typically involves determining the “85th percentile” speed, which is the speed at which 85 percent of the motorists are traveling at or above. For many years, traffic engineers have used the 85th percentile speed as a good starting point in establishing an appropriate speed limit. A speed limit value that is below the 85th percentile speed usually results in an unreasonably low speed zone that is difficult for motorists to adhere to and can often be referred to as a “speed trap” if it is aggressively enforced. Based on the Fall 2012 speed study, for the sections of Austin’s Colony Parkway that is straight with no curves, such as in front of Rudder High School, the 85th percentile speed is 42 miles per hour. For the parts of the roadway with curves, such as just north and south of Mitchell Elementary School, the 85th percentile is 39 miles per hour.

In December 2012, the City received a written request from the Austin’s Colony Homeowner’s Association (HOA) Board to raise the speed limit on Austin’s Colony Parkway. Around the same time, the City also received two requests from citizens to raise the speed limit. As a follow-up to the HOA request, City staff (including representatives from the Bryan Police Department) were invited to attend an Austin Colony neighborhood public meeting in February 2013 to present the results of the most recent speed studies and options for speed zoning along Austin’s Colony Parkway. Approximately 20 home owners attended this public meeting (even though the HOA sent postcards to all 425 home owners in the neighborhood inviting them to this public meeting).

As part of the presentation at this public meeting, staff explained the following:

- how speed zones should be established using proper traffic engineering study techniques;
- the results of the most recent speed studies;
- that raising the speed limit would require improving the intersection sight distance at the northern intersection of Austin’s Colony Parkway and Settlers Way by moving a six-foot privacy fence;
- that raising the speed limit would require action by the Bryan City Council;

- that raising the speed limit would not affect the current 20 mile per hour school crossing zone in front of Mitchell Elementary School; and,
- if the speed limit were increased, staff would work with Bryan Independent School District staff on their desire to have a school crossing zone for Rudder High School.

Of those in attendance at the meeting, there was no apparent opposition to raising the speed limit, and since then, staff has received notice from only one Austin Colony home owner who is opposed to the speed limit increase. Staff also completed the intersection sight distance improvements by relocating a six-foot privacy fence at Settlers Way in April 2013.

STAFF ANALYSIS AND RECOMMENDATION: The existing speed limit on Austin’s Colony Parkway is 30 miles per hour, and has been in existence on this roadway since it was first constructed in 1994. Since 30 miles per hour is the lawful maximum “*prima facie*” speed limit for an “urban district” (Texas Transportation Code §545.352), any change to that speed limit in an urban district requires an ordinance to be passed by the governing body of the municipality that owns/maintains that roadway (Texas Transportation Code § 545.356).

Based on the results of the City’s speed studies, the most recent being in Fall of 2012, staff recommends the following speed limit changes on Austin’s Colony Parkway:

| Limits Along Austin’s Colony Parkway | | Proposed Speed Limit |
|--------------------------------------|--------------------|----------------------|
| From | To | |
| SH 6 East Frontage Road | Colony Creek Drive | 35 MPH |
| Colony Creek Drive | Old Reliance Road | 40 MPH |

Figure 1 below presents the existing and proposed changes to the speed zone limits on Austin’s Colony parkway.



Figure 1. Proposed Speed Limit Zones for Austin’s Colony Parkway.

Raising the speed limit to the proposed changes shown above could result in higher operating speeds on Austin’s Colony Parkway, or in other words, an increase in the 85th percentile speed. If operating speeds increase significantly, then there is also a concern about roadway safety and increased noise for property owners adjacent to the roadway. There is no evidence or research to support this theory that operating speeds would increase, but it is a

common perception amongst motorists and residents that live adjacent to a roadway where a speed limit is increased. Staff will conduct additional speeds studies in the Fall of 2013 to determine the appropriateness of the proposed speed limits, and continue to monitor the area for safety issues, especially in the school areas.

Raising the speed limit to the proposed changes will also require the expenditure of funds to replace existing speed limit signs with new ones. The changes will require eight to ten (10) new traffic signs, estimated at approximately \$100 each (labor, equipment and materials). The Traffic Operations Department will incur these expenses with FY 2013 operating funds.

OPTIONS (In Suggested Order of Staff Preference):

1. Adopt the new ordinance as proposed.
2. Adopt the ordinance with modifications, which may require consideration at a future City Council meeting.
3. Do not adopt the ordinance and provide direction to staff.

ATTACHMENTS:

All items are attached as a single Word document:

1. Proposed ordinance.
2. Proposed ordinance with additions/deletions.

FUNDING SOURCE: FY 2013 Traffic Operations General Fund Budget

APPROVALS: Jayson E. Barfknecht 07/15/13; Hugh R. Walker, 07/15/2013

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 07/25/2013

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 076-30-2013

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 118, "TRAFFIC AND VEHICLES," SECTION 118-55, "SCHEDULE OF MAXIMUM SPEED LIMITS," OF THE CITY OF BRYAN CODE OF ORDINANCES, BY ADDING SPEED ZONES ON AUSTIN'S COLONY PARKWAY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 545.356 of the Texas Transportation Code, as amended, grants to cities operating under a Home Rule Charter the authority to control the operation of motor vehicles using its streets and to prescribe reasonable and safe prima facie maximum speed limits for the same:

WHEREAS, the City of Bryan has adopted Chapter 118, "Traffic and Vehicles," of the City of Bryan Code of Ordinances, as amended, which controls and regulates the movement of vehicles within the city; and

WHEREAS, Section 118-55, "Schedule of Maximum Speed Limits," of the City of Bryan Code of Ordinances establishes speed limits for certain local streets; and

WHEREAS, traffic studies indicate a need to increase the speed limit on Austin's Colony Parkway.

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

1.

The following prima facie maximum speed limits hereafter indicated for motor vehicles are hereby determined and declared to be reasonable and safe, and such maximum speed limits are hereby fixed at the rate of speed indicated for motor vehicles traveling on the named streets or highways or parts thereof. No motor vehicles shall be operating along or upon said portions of said named streets or highways within the corporate limits of the City of Bryan in excess of the speeds now set forth.

2.

The subsection entitled "*City Streets*" of Section 118-55, "Schedule of Maximum Speed Limits," of the City of Bryan Code of Ordinances is hereby amended by adding, in alphabetical order by street name, the following:

Austin's Colony Parkway:

- (1) From North Earl Rudder Freeway (State Highway 6) East Frontage Road to Colony Creek Drive, 35 miles per hour.*
- (2) From Colony Creek Drive to Old Reliance Road, 40 miles per hour.*

3.

That this ordinance shall be cumulative of all provisions of ordinances of the City of Bryan affecting motor vehicles and traffic, except that all ordinances or portions thereof that are in direct conflict with the provision of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

4.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

6.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

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 therein for violation thereof, and the effective date of the ordinance.

8.

A person who violates any section of this ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the City of Bryan Code of Ordinances.

9.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Chapter 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

10.

That this ordinance shall take effect from and after its final passage and publication as required by law.

PRESENTED AND GIVEN first reading the 6th day of August, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 27th day of August, 2013 by a vote of ____yeses and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 118, "TRAFFIC AND VEHICLES," SECTION 118-55, "SCHEDULE OF MAXIMUM SPEED LIMITS," OF THE CITY OF BRYAN CODE OF ORDINANCES, BY ADDING SPEED ZONES ON AUSTIN'S COLONY PARKWAY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH SAID ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 118, "Traffic and Vehicles," of the City of Bryan Code of Ordinances, as amended, which controls and regulates the movement of vehicles within the city; and

WHEREAS, Section 118-55, "Schedule of Maximum Speed Limits," of the City of Bryan Code of Ordinances establishes speed limits for certain local streets; and

WHEREAS, traffic studies indicate a need to increase the speed limit on Austin's Colony Parkway.

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

1.

The subsection entitled "*City Streets*" of Section 118-55, "Schedule of Maximum Speed Limits," of the City of Bryan Code of Ordinances is hereby amended by adding, in alphabetical order by street name, the following:

Austin's Colony Parkway:

- (1) From North Earl Rudder Freeway (State Highway 6) East Frontage Road to Colony Creek Drive, 35 miles per hour.
- (2) From Colony Creek Drive to Old Reliance Road, 40 miles per hour.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this

ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

5.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

6.

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 therein for violation thereof, and the effective date of the ordinance.

7.

A person who violates any section of this ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the City of Bryan Code of Ordinances.

8.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Chapter 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

9.

That this ordinance shall take effect from and after its final passage and publication as required by law. The effective date of this Ordinance will be _____.

PRESENTED AND GIVEN first reading the 6th day of August, 2013 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 27th day of August, 2013 by a vote of ____yeyes 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