CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: ENGINEERING DEPARTMENT/TRAFFIC DIVISION

AGENDA DATE: May 27, 2007

CONTACT PERSON/PHONE: TED MARQUEZ/ 541-4035 C.M.

DISTRICT(S) AFFECTED: District -All

SUBJECT: ORDINANCE

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.28 (SPEED LIMITS), SECTION 12.28.010 (GENERALLY), OF THE EL PASO CITY CODE, TO PROVIDE FOR REDUCED SPEED LIMITS IN NEW SUBDIVISIONS, FROM 30 MPH TO 25 MPH. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 12.84.010 OF THE EL PASO CITY CODE.

BACKGROUND/DISCUSSION:

This ordinance follows and compliments the new approved state statues subdivision ordinance that allows the construction of streets with the 25 mph design speed standard.

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING: N/A

BOARD / COMMISSION ACTION: N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Irene Ruiz

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO._____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.28 (SPEED LIMITS), SECTION 12.28.010 (GENERALLY), OF THE EL PASO CITY CODE, TO PROVIDE FOR REDUCED SPEED LIMITS IN NEW SUBDIVISIONS, FROM 30 MPH TO 25 MPH. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 12.84.010 OF THE EL PASO CITY CODE.

WHEREAS, Texas Transportation Code, Section 545.352, sets the prima facie speed limit for streets in an urban district at 30 miles per hour; and

WHEREAS, Texas Transportation Code, Section 545.356 authorizes municipalities to alter speed limits under certain conditions; and

WHEREAS, Texas Transportation Code, Sections 545.356(b-1) and (b-2), authorize municipalities to declare a lower speed limit of not less than 25 miles per hour, for a highway or part of a highway that is not part of the state highway system, is 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway, and has less than four lanes, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe; and

WHEREAS, pursuant to Texas Transportation Code, Section 545.356(c) a prima facie speed limit that is altered by the governing body of a municipality under Subsection (b-1) and (b-2) is effective when the governing body erects signs giving notice of the new limit; and

WHEREAS, the El Paso City Council finds that for residential streets, designed and built according to the standards set forth in the El Paso City Code, Title 19 (Subdivision Code), Chapter 19.15-3, local 2 or local 3, effective June 1, 2008, or later, which are not part of the state highway system, and are 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway, and which are less than four lanes, the prima facie speed limit of 30 miles per hour is unreasonable and unsafe, and a lower speed limit of 25 miles per hour is appropriate; and

WHEREAS, the El Paso City Council, having considered the recommendations and held a public hearing at which the public was allowed to comment on the proposed amendment, finds that the adoption of the ordinance as submitted will protect and provide for the public health, safety, morals and general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That the above findings are adopted and incorporated herein as if fully set out.

SECTION 2. That the following amendments are hereby made to Title 12 (Vehicles and Traffic), Chapter 12.28 (Speed Limits), Section 12.28.010 (Generally), by amending paragraph A. and adding paragraph C. as follows:

12.28.010 Generally.

A. The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, **except as indicated in paragraph C below**, in Schedule XIV, Section 12.88.150, or as other ordinances may provide. However, specified speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be prima facie unlawful for any person to drive any vehicle at a speed greater or lesser than so specified.

B. The traffic engineer may, subject to the approval of the city council, designate speed limits by signs. The traffic engineer may, on the basis of engineering and traffic investigations, designate the speed regulations upon any street or portion of a street by erecting signs giving notice thereof. (Prior code § 20-48)

C. When the traffic engineer or his designee, finds, at the platting stage, that a new residential street meets the code requirements for use, any new residential street subsequently built to the design standards set forth in the El Paso City Code, Title 19 (Subdivision Code), Chapter 19.15-3, local 2 or local 3, effective June 1, 2008, or later, and

1) Which is not an officially designated or marked highway or road of the state highway system; and
2) Which is 35 feet or less in width; and
3) Along which vehicular parking is not prohibited on one or both sides of the street; and
4) Which has less than four lanes;

Shall have a speed limit of 25 miles per hour, effective when signs are erected giving notice of the limit.

SECTION 3. Except as herein amended Title 12 (Vehicles and Traffic) of the El Paso City Code shall remain if full force and effect.

PASSED AND APPROVED this _____day of _____, 2008.

THE CITY OF EL PASO

ATTEST:

_____
John F. Cook
Mayor

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
for R. Alan Shubert, P.E.
City Engineer