

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

DEPARTMENT: ENGINEERING DEPARTMENT/TRAFFIC DIVISION
AGENDA DATE: CONSENT AGENDA 11/11/2008
CONTACT PERSON/PHONE: TED MARQUEZ/ 541-4035 *T.M.*
DISTRICT(S) AFFECTED: ALL

SUBJECT: RESOLUTION

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

That the City of El Paso be authorized to submit to the Texas Department of Transportation for approval, the attached proposed ordinance restricting trucks with three or more axels, to the lanes on the right of the left most lane on Interstate Highway 10, from State Highway 20 (Mesa Street) to Farm to Market 659 (Zaragoza Road).

BACKGROUND / DISCUSSION:

The Transportation Legislative Review committee met on October 27, 2008 and a motion was made by Representative Rachel Quintana, and seconded by Representative Steve Ortega and unanimously carried to approve proposal and notify the logistics industry through a public hearing.

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION: N/A

CITY CLERK DEPT.
06/10/11 - 8 PM 2:58

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

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

DEPARTMENT HEAD:



(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:** _____

RESOLUTION

WHEREAS, Texas Transportation Code § 545.0651, allows a municipality, by ordinance, to restrict, by class of vehicle, through traffic to two or more designated lanes of a highway in the municipality; and

WHEREAS, Texas Administrative Code, Chapter 43, § 25.603, sets out the procedure whereby a municipality may restrict, by class of vehicle, through traffic to two or more designated lanes of a highway in the municipality; and

WHEREAS, pursuant to Texas Administrative Code, Chapter 43, § 25.603, a municipality, shall hold at least one public hearing on any proposed ordinance that restricts through traffic by class of vehicle to designated lanes, prior to submitting the proposed ordinance to the Texas Department of Transportation (TxDot) for approval; and

WHEREAS, the proposed ordinance, restricting trucks with three or more axels, to the lanes on the right of the left most lane on Interstate Highway 10, from State Highway 20 (Mesa Street) to Farm to Market 659 (Zaragoza Road) is attached hereto as Exhibit "A"; and

WHEREAS, a Public Hearing and opportunity for public comment was held on Nov. 11, 2005^{MS}, notice of which was posted as required by state law.

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

That the City of El Paso be authorized to submit to the Texas Department of Transportation for approval, the attached proposed ordinance restricting trucks with three or more axels, to the lanes on the right of the left most lane on Interstate Highway 10, from State Highway 20 (Mesa Street) to Farm to Market 659 (Zaragoza Road).

ADOPTED this _____ day of _____, 2008.

THE CITY OF EL PASO:

ATTEST:

John F. Cook
Mayor

Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

Mark Shoosmith
Mark Shoosmith
Assistant City Attorney

APPROVED AS TO CONTENT:

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

CITY OF EL PASO
OFFICE OF THE CITY CLERK
65101-0001, 2008

Proposed ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) OF THE EL PASO CITY CODE, BY ADDING CHAPTER 12.42 (RESTRICTIONS FOR TRUCKS UPON A PORTION OF INTERSTATE HIGHWAY 10), RESTRICTING TRUCKS WITH THREE OR MORE AXELS, TO THE LANES ON THE RIGHT OF THE LEFT MOST LANE ON INTERSTATE HIGHWAY 10, FROM STATE HIGHWAY 20 (MESA STREET) TO FARM TO MARKET 659 (ZARAGOZA ROAD), PROVIDED THE RESTRICTED VEHICLE MAY USE ANY LANE OF THE HIGHWAY TO PASS ANOTHER VEHICLE AND TO ENTER AND EXIT THE HIGHWAY, THE PENALTY AS PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.

CITY CLERK DEPT.
08 NOV - 7 AM 9:35

WHEREAS, the Texas Transportation Code § 545.0651, allows a municipality, by ordinance, to restrict, by class of vehicle, through traffic to two or more designated lanes of a highway in the municipality; and

WHEREAS, the City Council of the City of El Paso seeks to establish lane restrictions for trucks upon a portion of Interstate Highway 10 within the City of El Paso in accordance with Texas Transportation Code; and

WHEREAS, the Texas Administrative Code, Chapter 43, § 25.603, sets out the procedure whereby a municipality may restrict, by class of vehicle, through traffic to two or more designated lanes of a highway in the municipality; and

WHEREAS, the City has complied with the provisions of the Texas Transportation Code and the Texas Administrative Code; and

WHEREAS, pursuant to the relevant provisions of the Texas Transportation Code, the City has provided the Texas Department of Transportation with a complete description of the restrictions sought by the City; and

WHEREAS, pursuant to the relevant provisions of the Texas Administrative Code, the City held a public hearing on _____, allowing the public to comment on the proposed ordinance. Notice of the hearing contained a complete description of the proposed restriction, including the location, route numbers, and beginning and ending points of the restriction; and

WHEREAS, pursuant to the relevant provisions of the Texas Transportation Code and the Texas Administrative Code, the Executive Director of the Texas Department of Transportation, or his designee, has reviewed the proposed restrictions, conducted the required traffic study, provided the required public notice, and issued a letter of authorization to the City approving the proposed restrictions described in this ordinance; and

Proposed ordinance

WHEREAS, in the interest of public safety, it is desirable to restrict trucks with three or more axels, to the lanes on the right of the left most lane on Interstate Highway 10, from State Highway 20 (Mesa Street) to Farm to Market 659 (Zaragoza Road), provided the restricted vehicle may use any lane of the highway to pass another vehicle and to enter and exit the highway.

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

1. That Title 12 (Vehicles and Traffic), shall be and hereby is amended to add Chapter 12.42 (Restrictions for Trucks Upon a Portion of Interstate Highway 10 From SH 20 (Mesa Street) to FM 659 (Zaragoza Road) as follows:

12.42 (Restrictions for Trucks Upon a Portion of Interstate Highway 10 From SH 20 (Mesa Street) to FM 659 (Zaragoza Road)

A. Definitions:

Authorized lane means the lanes to the right of the left most lane.

Designated portion of affected highway means that part of Interstate Highway 10 from State Highway 20 (Mesa Street) to Farm to Market 659 (Zaragoza Road).

Truck means a “truck” as defined in Section § 541.201 of the Texas Transportation Code that has three or more axels or a “truck tractor” as defined by Section § 541.201 of the Texas Transportation Code, regardless of whether the truck tractor is drawing another vehicle or trailer.

B. Restrictions:

Any person driving or operating a truck on the designated portion of affected highway shall not utilize any control access lane other than the authorized lanes, except that a restricted vehicle may use any lane of the highway to pass another vehicle and to enter and exit the highway.

C. Enforcement:

1. Enforcement of this ordinance will commence upon the placement of the appropriate traffic control devices as specified under Texas Transportation Code Section § 545.0651.
2. A violation of this provision is a misdemeanor and shall be punished by a fine not exceeding \$500.00.
3. This restriction may be suspended by the Texas Department of Transportation Executive Director or his designee, for any reasons stated under Texas Transportation Code Section § 545.0651(f).

CITY CLERK DEPT.
08 NOV -7 AM 9:35

Proposed ordinance

- 2. Except as expressly herein amended, all other provisions of Title 12 of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2008.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mark Shoesmith
Assistant City Attorney

R. Alan Shubert, P.E.
City Engineer

CITY CLERK DEPT.
08 NOV -7 AM 9:36

NOTICE OF PUBLIC HEARING

Notice to set public hearing to be held on _____ to discuss a draft ordinance regarding the proposed restriction of through traffic on Interstate Highway 10, by vehicle class. The proposed ordinance would restrict large trucks from using the left lane of portions of Interstate Highway 10, pursuant to and in accordance with Texas Transportation Code § 545.0651 and Texas Administrative Code, Chapter 43, § 25.603 The proposed ordinance would restrict trucks with three or more axels to the lanes on the right of the left most lane on Interstate Highway 10, from State Highway 20 (Mesa Street) to Farm to Market 659 (Zaragoza Road), provided the restricted vehicle may use any lane of the highway to pass another vehicle and to enter and exit the highway.

CITY CLERK DEPT.
08 NOV -7 AM 9:36