

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT**

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director, Department of Public Works

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Assistant City Manager; Jason E. Cosby, P.E., Assistant Director of Public Works; Chief Albert Ortiz; Deputy Chief Rudy Gonzales; File

SUBJECT: Truck Lane Restriction Ordinance

DATE: March 4, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance is to secure Council approval of the Truck Lane Restriction Ordinance, which will restrict trucks from traveling in the left lane of US 90 West, between IH 410 West and IH 35 South, and from the left lane of IH 10 East, between IH 35 South and IH 410 East. This proposed ordinance is consistent with the provisions of Section 545.0651(d) of the Texas Transportation Code, and the provisions of 43 Texas Administrative Code (TAC) Section 25.063(e). The proposed traveling restriction would be applied to trucks with three or more axles or one or more truck tractors as defined in Section 541.201 of the Texas Transportation Code, and would not apply to trucks using the left lane for the purpose of passing another vehicle. The proposed ordinance would not apply to recreational vehicles, busses or other small trucks. The proposed traveling restriction would be effective **Monday through Friday between the hours of 6 a.m. and 9 p.m.** The Texas Department of Transportation (TxDOT) can suspend these restrictions due to changes in pavement conditions, construction or maintenance activity, or for incident management.

TxDOT has determined that the proposed ordinance has met all of the criteria of 43 TAC §25.601(f). TxDOT published a public notice in the *Texas Register* on December 19, 2003 and received no comments. Accordingly, TxDOT elected to not hold a public hearing on this proposed ordinance. TxDOT has approved the proposed City of San Antonio Ordinance.

Staff recommends approval of this ordinance.

BACKGROUND

This proposed ordinance will restrict trucks from traveling in the left lane of US 90 West, between IH 410 West and IH 35 South, and from the left lane of IH 10 East, between IH 35 South and IH 410 East.

The proposed ordinance is consistent with Section 545.0651(d) of the Texas Transportation Code, which authorizes municipalities to restrict trucks from traveling in the left lane of three-lane freeways. Additionally, this ordinance is to improve traffic congestion and safety on selected freeways in San Antonio, especially since Texas is ranked as the #1 export state in the United States. The state statute specifies the process the City of San Antonio must follow in order to implement the restriction. The process required that the City hold a public hearing and submit a written transcript of the public comments along with a draft ordinance, diagrams of the affected freeways, a description of the restriction, and a traffic study to the San Antonio District TxDOT. Attached is a detailed a chronology of the events leading to and including securing approval from TxDOT and is described herein.

Prior to holding the public hearing, City staff performed various outreach efforts to affected industry representatives and presented the proposed program to the Logistics Task Force of the Free Trade Alliance San Antonio on February 14, 2003. Staff proceeded to form a task force that included trucking industry representatives, representatives from TxDOT, the Texas Transportation Institute (TTI), San Antonio Police Department, Public Works Department, Economic Development Department and the Free Trade Alliance San Antonio. The task force met on March 11 and March 25, 2003. This proposed ordinance was also presented to the Downtown Advisory Board on March 11, 2003.

Subsequent to the outreach efforts, a public hearing was held on March 27, 2003 at 3:00 p.m. As required, the necessary documentation referenced above was forwarded to the San Antonio District TxDOT on April 17, 2003.

After the San Antonio District TxDOT reviewed and approved the City's submittal, the proposal was then sent to the state office of TxDOT for their review. The City received a notification letter dated February 3, 2004 indicating that TxDOT has approved the proposed ordinance.

If approved by the City Council, TxDOT will be responsible for the placement and maintenance of all traffic control devices along the designated corridors. Enforcement of this ordinance would be performed by the San Antonio Police Department, using their established traffic division. Motorists found in violation of the proposed ordinance will receive a fine of \$146.00.

POLICY ANALYSIS

Staff was directed through Six-Signature Memorandum dated August 2, 2002 by Councilwoman Bonnie Conner to initiate the process established in Senate Bill 773. This law allows municipalities to propose lane restrictions on certain portions of the state highway system.

This item was first presented at the City Council Governance Committee on September 4, 2002. Direction was given to forward this item to the City Council Quality of Life Committee to discuss a possible pilot program. As directed, staff made a presentation to the City Council Quality of Life Committee on October 24, 2002.

This proposed ordinance restricting trucks from using a particular lane of selected freeways would be the first of its kind in San Antonio. If this pilot program on US 90 West and IH 10 East proves to be effective, the restriction could be made permanent and/or similar restrictions could be applied to other freeway segments in San Antonio, by separate ordinance. Public Works would consider other corridors such as IH 10 West, as suggested by Councilwoman Conner.

The City of Houston implemented two similar ordinances; one on an eight-mile segment of IH 10 East, in that city, and achieved a 68 percent reduction in reported traffic accidents over a 36-week period. Houston's experience included a dedicated unit responsible for enforcement on the applicable freeway. The San Antonio Police Department will not create a similar dedicated unit, but would enforce this ordinance through its established traffic division.

FISCAL IMPACT

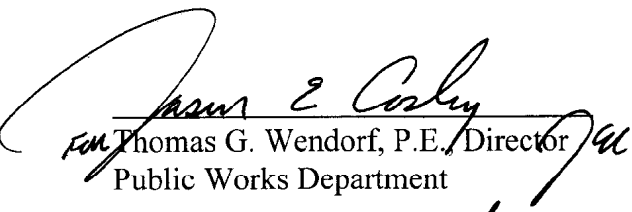
This proposed ordinance will have a financial impact of an estimated \$2,125 to manufacture the signage. If adopted, TxDOT would be responsible for the placement and maintenance of all traffic control devices in the lane restriction corridors.

COORDINATION

This agenda item has been coordinated with the City Attorney's Office, San Antonio Police Department, Economic Development Department, the Texas Department of Transportation, the Logistics Task Force of the Free Trade Alliance San Antonio, and the Downtown Advisory Board.

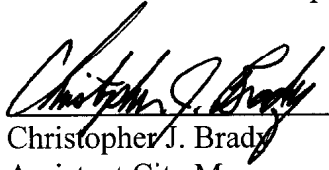
Attachments:

1. Chronology
2. Ordinance - TxDOT
3. Map – Proposed Truck Traveling Restriction Corridor
4. Map – Signage
5. Memo, Councilwoman Conner

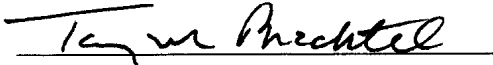

Thomas G. Wendorf, P.E., Director
Public Works Department


Melissa Byrne Vossmer
Assistant City Manager


Chief Albert Ortiz
San Antonio Police Department


Christopher J. Brady
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

Chronology

- **August 2, 2002** Staff directed through Six-Signature Memo to initiate the process established in Senate Bill 773
- **September 4, 2002** Staff presentation to City Council Governance Committee - Staff was directed to present item to Quality of Life Committee
- **October 24, 2002** Quality of Life Committee presentation
 - Outline coordination
 - Requirements
- **January 23, 2003** Quality of Life Committee update
 - Schedule of public meetings
 - Timeline
- **February 14, 2003** Community outreach made through presentation to the Logistics Task Force of the Free Trade Alliance San Antonio
- **February 14, 2003** Task force formed that included trucking industry representatives, TxDOT, Texas Transportation Institute, San Antonio Police Department, Pubic Works, Economic Development, and Free Trade Alliance San Antonio
- **February 24, 2003** Quality of Life Committee update
- **March 11, 2003** Task Force meeting
- **March 11, 2003** Community outreach made through presentation to the Downtown Advisory Board.
- **March 21, 2003** Outreach effort through press release
- **March 22, 2003** TVSA announcement began running
- **March 25, 2003** Second Task Force meeting
- **March 27, 2003** Mayor's Forum with Free Trade Alliance San Antonio
- **March 27, 2003** Public Hearing to Consider Proposed Ordinance

- **April 17, 2003** Written transcript of Public Hearing comments, draft ordinance, diagrams of the affected freeways, and a description of the restriction and a traffic study was forwarded to the San Antonio District TxDOT
- **April 18, 2003** Memo to Councilwoman Conner indicating COSA is proceeding with application to TxDOT
- **May 13, 2003** Letter from TxDOT Headquarters proposing some modifications to the ordinance. Sent comments to the Office of General Counsel
- **May 15, 2003** John Kelly with TxDOT sent update letter to Mayor Garza
- **May 28, 2003** Public Works forwards new ordinance to San Antonio District TxDOT to be forwarded back to Austin Headquarters
- **July 18, 2003** TxDOT sent changes to Austin, Austin requests additional information, which was provided
- **November 13, 2003** Attorney General's Office provided feedback. TxDOT plans on having the Texas Transportation Institute perform an analysis after the initial 6 month period of implementation
- **February 6, 2004** Public Works receives TxDOT letter dated February 3, 2004 approving the proposed COSA ordinance

AN ORDINANCE ESTABLISHING LANE USE RESTRICTIONS FOR TRUCKS UPON A PORTION OF INTERSTATE HIGHWAY 10 EAST AND UNITED STATES HIGHWAY 90 WEST; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND PROVIDING FOR SEVERABILITY.

• * * * * *

WHEREAS, the Texas Department of Transportation has approved this format of traffic ordinance; and

WHEREAS, the City Council desires to establish lane use restrictions for trucks upon a portion of Interstate Highway 10 East and United States Highway 90 West within the City pursuant to Section 545.0651 of the Texas Transportation Code; and

**WHEREAS, a description of the restrictions
established in the Ordinance has been provided to the
Texas Department of Transportation pursuant to Section
545.0651(d) of the Texas Transportation Code; and**

WHEREAS, the Executive Director of the Texas Department of Transportation or the Director's designee has, based upon a traffic study and the criteria established in Section 545.0651 of the Texas Transportation Code, has approved the restrictions established in this Ordinance; and

WHEREAS, the City Council finds that the interests of the health, safety, and welfare of the public will be served by adopting the restrictions set forth in this Ordinance; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:

Section 1. That the findings contained in the preamble of the Ordinance are determined to be true and correct. As evidence thereof, documents establishing approval described in the preamble to the Ordinance have been incorporated into this Ordinance and made a part hereof as Exhibit A.

Section 2. That, as used in this Ordinance, the following terms shall have the meanings ascribed in this Section:

Authorized lanes means the two controlled access lanes on each side of the designated portion of affected highway that are most immediately to the right of the left (or inner) controlled access lane.

Designated portion of affected highway means that portion of the highways between the designated limits tabularized as follows:

HIGHWAY	FROM	TO
United States Highway 90	Interstate Highway 410 West	Loop 353
Interstate Highway 10 and United States Highway 90	Loop 353	Interstate Highway 35
Interstate Highway 10, United States Highway 87, and United States Highway 90	Interstate Highway 35	United States Highway 87
Interstate Highway 10 and United States Highway 90	United States Highway 87	Interstate Highway 410 East

Peak traffic hours means the hours between 6:00 a.m. and 9:00 p.m.

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

Workday means Monday through Friday, holidays observed by the closure of City of San Antonio offices excepted.

Section 3. Any person driving or operating a truck on the designated portion of affected highway during the peak traffic hours on any workday shall not utilize any controlled access lane other than the authorized lanes.

Section 4. That enforcement of this Ordinance is subject to Section 545.0651 of the Texas Transportation Code, and the prohibition established in Section 3 of this Ordinance shall not be effective during any period of suspension or restriction of approval by the Executive Director of the Texas Department of Transportation or the Director's designee as provided in Subsection (f) of Section 545.0651 or during any period when traffic control devices that are required to be erected and maintained by the Texas Department of Transportation pursuant to Section 545.0651 are not in place, nor shall the provisions of this Ordinance be construed to prohibit operation of a truck in a lane other than an authorized lane for the purpose of passing another vehicle or for the purpose of entering and exiting the Highway. The provisions of this Section 4 shall constitute defenses to prosecution under this Ordinance.

Section 5. Violation of this Ordinance is unlawful, and any violation shall be punishable by a fine of not less than \$1 or more than \$200 as provided in Subchapter D of Chapter 542 of the Texas Transportation Code.

Section 6. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

PASSED AND APPROVED this ____ day of _____, 2003.

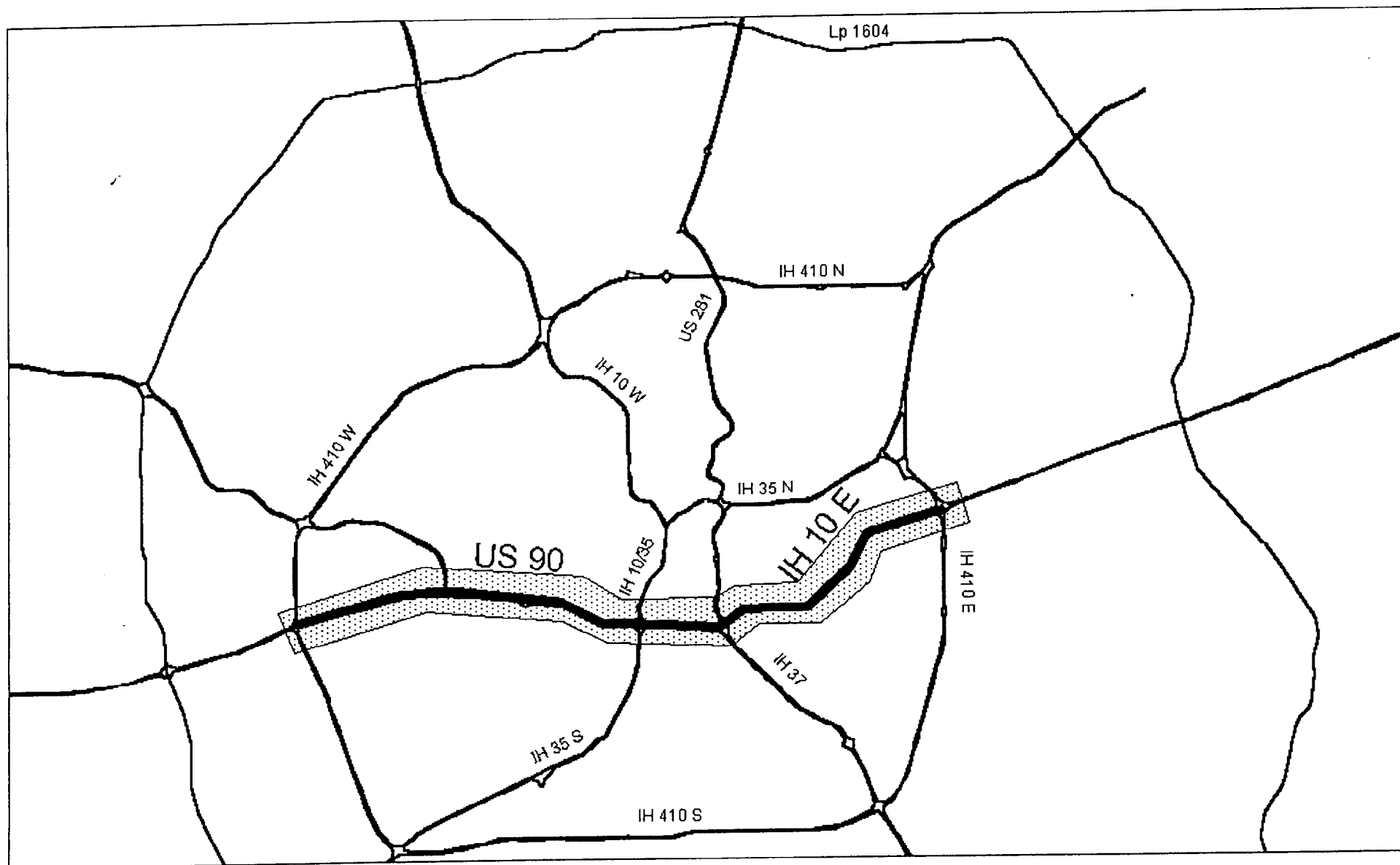
M A Y O R

ATTEST _____

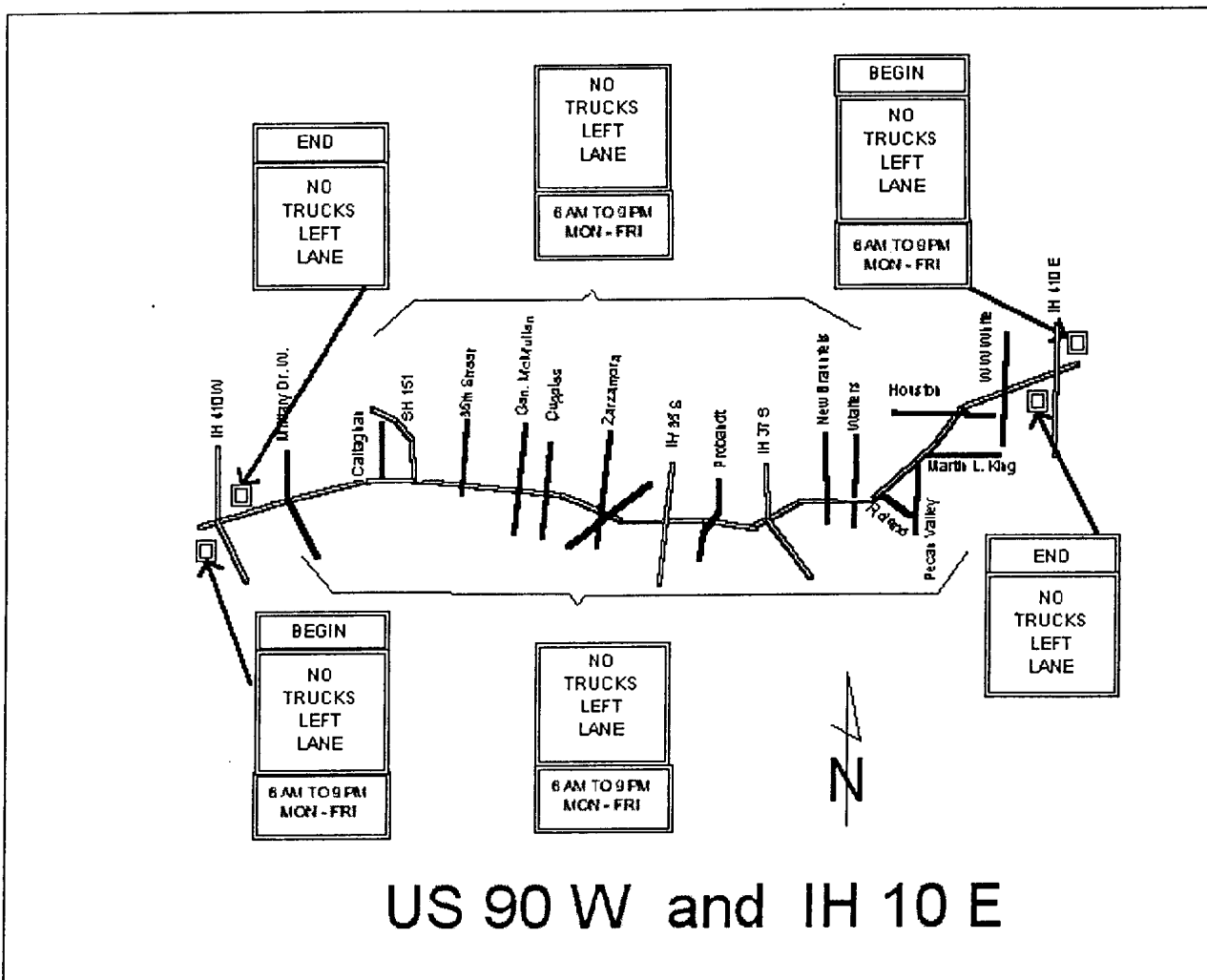
City Clerk

APPROVED AS TO FORM: _____

City Attorney



Proposed Truck Traveling Restriction Corridor



Signage for Proposed Truck Traveling Restriction Corridor

CITY OF SAN ANTONIO
OFFICE OF CITY COUNCIL
Interdepartmental Correspondence

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

2002 AUG -8 AM 9:14

TO: Mayor and Council

CC: Terry Brechtel, City Manager; Rolando Bono, Deputy City Manager; Melissa Byrne Vossmer, Assistant City Manager; Thomas Wendorf, Director Public Works; Albert Ortiz, Chief of Police; Andrew Martin, City Attorney; James R. Campbell, Director, External Relations Dept; Norma Rodriguez, City Clerk; Gayle McDaniel, Assistant to Council; File

FROM: Bonnie J. Conner, Councilwoman, District 8

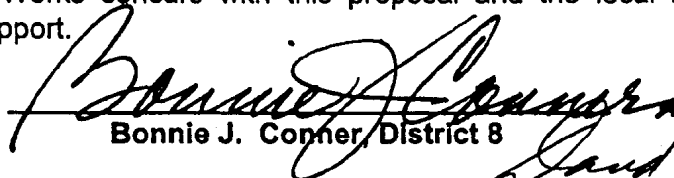
SUBJECT: Truck Lane-Use Restrictions

DATE: August 2, 2002

Please join me in directing Staff to draft an ordinance that would restrict truck usage of inside lanes of freeways with more than two lanes in each direction.

The Texas Legislature passed Senate Bill 773 in 1997 which allows municipalities to propose lane restrictions on certain portions of the state highway system. A municipality, by ordinance, may restrict through traffic to two designated lanes by vehicle class on a portion of the state highway system having three or more lanes in each direction of travel. The law requires a municipality to work with TxDOT to develop lane restrictions and to approve the proposal before enforcement begins. Once approved, TxDOT is responsible for the placement and maintenance of all traffic control devices associated with the restriction.

The Director of Public Works concurs with this proposal and the local District Engineer of TxDOT has indicated support.


Bonnie J. Conner, District 8


Mayor Ed Garza


Bobby Perez, District 1


John Sanders, District 2


Antoniette Moorhouse, District 3


Enrique Martin, District 4


David Garcla, District 5


Enrique Barrera, District 6


Julian Castro, District 7


Carroll W. Schubert, District 9


David Carpenter, District 10