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ORDINANCE NO. 017156

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 0.2 MILES EAST OF STATE HIGHWAY 20 (MESA STREET) TO 0.7 MILES WEST OF FARM-TO-MARKET HIGHWAY 659 (ZARAGOZA ROAD) FOR EASTBOUND VEHICLES AND 0.3 MILES WEST OF FARM-TO-MARKET HIGHWAY 659 (ZARAGOZA ROAD) TO 0.2 MIILES EAST OF STATE HIGHWAY 20 (MESA) STREET FOR WESTBOUND VEHICLES, 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.

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 November 11, 2008, allowing the public to comment on the proposed ordinance. Notice of the hearing contained a complete description of the proposed

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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

**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 .02 miles east of State Highway 20 (Mesa Street) to 0.7 miles west of Farm-to-Market Highway 659 (Zaragoza Road) for eastbound vehicles and 0.3 miles west of Farm-to-Market Highway 659 (Zaragoza Road) to 0.2 miles east of State Highway 20 (Mesa Street) for westbound vehicles, 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:**

**Section 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) as follows:

**Chapter 12.42 Restrictions for Trucks Upon a Portion of Interstate Highway 10**

**Section 12.42.010 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 0.2 miles east of the apex of the State Highway 20 (Mesa Street) overpass structure on the west to a point 0.7 miles west of the apex of the Farm-to-Market Highway 659 (Zaragoza Road) overpass structure on the east for eastbound vehicles and 0.3 miles west of the apex of the Farm-to-Market Highway 659 (Zaragoza Road) overpass structure on the east to point 0.2 miles east of the apex of the State Highway 20 (Mesa Street) overpass structure on the west for westbound vehicles.

*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.

**Section 12.42.020 Restrictions**

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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.

**12.42.030 Enforcement**

A. Enforcement of this ordinance will commence upon the placement of the appropriate traffic control devices as specified under Texas Transportation Code Section §545.0651.

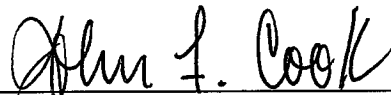
B. A violation of this provision is a misdemeanor and shall be punished by a fine not exceeding \$500.00.

C. 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).


**Section 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 4<sup>th</sup> day of August, 2009.


CITY OF EL PASO

  
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John F. Cook  
Mayor

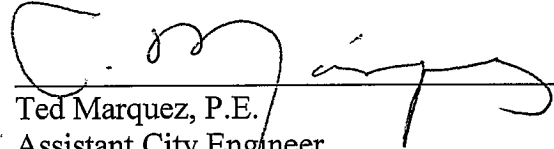
ATTEST:

for   
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Shoosmith  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Ted Marquez, P.E.  
Assistant City Engineer

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