

JANUARY 10, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 10, 2022 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Hector Hinojosa, Commissioner
Norma N. Alvarez, Commissioner
Edna Lopez, Commissioner
Ann Marie Torres, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Uchechukwu Echeozo, Director of Planning & Development Services
Rudy Mora, Engineer
Ricardo Torres, Police Chief
Diana Gonzales, Director of Human Resources
Emilio Garcia, Health Director
Bill Donnell, Public Works Director
Manny Salazar, Economic Development Director
Deborah Balli, Finance Director
Joseph Ramirez, Engineers Assistance
Susan Ivy, Parks & Recreation Director
Janine Reyes, Tourism Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – December 13, 2021

Mrs. Mary Valenzuela, City Secretary commented that a change has been made to the minutes of December 13, 2021. The change was a request from Commissioner Lopez to add the following comment that was made by Mr. Mark McLaughlin, City Manager, "it may be done, they may have it in their computers already." This comment was made after a question from Commissioner Lopez was asked regarding how long it would take for TxDOT to do their study. Mrs. Valenzuela further commented that when the motion is made for the approval of the minutes, the motion would need to include the amendments made.

Motion made by Commissioner Lopez to approve the amended minutes of December 13, 2021, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

II. Public Hearing - (Required by Law).¹

None.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water, And Wastewater Rate Study

Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

Mr. Mark McLaughlin, City Manager reported that COVID testing has started up again, so long as supplies last. Currently, Kleberg County has 456 active COVID cases with 18 city employees out with COVID at this time. Mr. McLaughlin also reported that the DEAGG Grants that the city has applied for will be announced on January 11, 2022, at 8:30 a.m. He also reported that the Human Resources Department has received notice from Entrust that the vendor that secures the data for Entrust for our medical records has been breached. MRI America will be sending out notices through Entrust about this matter. Mr. McLaughlin further stated that during his comments at the December 13, 2021 meeting, he commented that TxDOT should set the rules for their property and the city shouldn't be telling them what to do. Mr. McLaughlin further stated that after a conversation with Mr. Lance Hamm, Mr. Hamm pointed out to him and has also forwarded to the Commission by email which talks about what the cities can do and that city's do have the authority to establish construction speed zone within their corporate limits and this should be encouraged. Since the city will most likely be responsible for enforcement, however, if the city desires the Transportation Commission to establish the zones, then the district should have a written request from the city on file. Mr. McLaughlin further stated that it also talks about what speed zones unacceptable to the city if there is a disagreement between what the city would like and what TxDOT decides. He further stated that he did pull up another document that was forwarded to him by Mr. Hamm which is Chapter 6 of the Temporary Traffic Elements. This document recommends that speed limits should be used in specific portions of the temporary traffic control zones. It recommends that speed limits should not be lowered more than 10mph below the posted in a TTC. If it does go below that, research has demonstrated that large reductions in speed limits such as 30mph reduction increase the variance in the potential for crashes. Mr. McLaughlin further commented that the document also talks about who has the authority to set out the regulatory speed limits. Mr. McLaughlin commented that he mentions this to correct what he commented before that the city does have an opportunity to set a speed limit if the city desires.

Ms. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is January 24, 2022. The deadline for staff to submit their agenda items for this upcoming meeting is Thursday, January 13, 2022. Ms. Alvarez further reported that city offices will be closed on Monday, January 17, 2022, in observance of Martin Luther King Day. Ms. Alvarez further reported that she attended the Texas Coalition for Affordable Power (TCAP) Board of Directors meeting in Austin last week, where she was re-elected to the Board and re-elected as President for TCAP.

Mayor Fugate commented that at the last City Commission meeting, December 13, 2021, the meeting went a little off track with everyone speaking over each other which makes it difficult for anyone to be able to understand what was being said. He asked the Commission members that if they wish to be heard, they will need to ask for the floor to speak. He will not deny any Commissioner the right to speak, but to make it easier on the City Secretary, for minute purposes, he asks that each commissioner ask to be heard when wanting to make a comment and to speak one at a time.

IV. Public Comment on Agenda Items.³

1. Comments on all agenda and non-agenda items.

Mr. Fred Bigelow, 916 South Creek commented that he supports the reduction of speed limit on the frontage road that will be put in. he further stated that he is concerned about the safety of the area as 33 families live in this area and with school buses coming and going calls for concern. He also stated that he is concerned about the spacing in the area. With the construction going on now, it is difficult when they come out of South Creek, it is very difficult. People in this area do not drive the speed limit in this area. He further stated that he would like for the Commission to take a look at the photos that he has provided them. The first two pictures will show the bridge for the frontage road and where it goes down it has borders and where that border goes to the entrance to their gate, which is about 150 feet, and the width is about 27 feet of pavement to their property line. Mr. Bigelow commented that this is scary as they have young and older drivers coming in and out of that subdivision. He also commented that the crossover on FM 1717 was closed due to wrecks and fatalities. He further stated that he is not aware of what TxDOT does about the programming of fatalities or wrecks as they say they don't have it, but they must have the traffic patterns. If you have Hwy 77 with years of information and you can't move it over it will make them drive out into the major lanes of Hwy 77 which is not a very good highway to drive out in. Mr. Bigelow further commented that he is very concerned about school buses having to come in and out. He further stated that it comes down to safety, come down to 45mph, which he would like to see brought down to 40 or 35 mph. He further stated that this is one of the major responsibilities of the City Commission, which is to protect the citizens of the City of

Kingsville. Mr. Bigelow commented that there is a lot of people in this area that are good citizens.

Pam Lieck, 408 Nelda did not comment but rather asked if this was the time to come up and speak about anything that is on the agenda.

Mayor Fugate responded that this is the time that anyone can speak about anything on or off the agenda.

Lance Hamm, 912 South Creek commented that he is the petition organizer for the reduction of speed near South Creek Subdivision which has been submitted and placed in the agenda packet. He further stated that he may or may not have an opportunity to speak later, depending on if the Commission has any questions for him. He further stated that he would like to talk about numbers. Mr. Hamm stated that City Manager spoke about his clarification, which he appreciates, and the reason he said this was because he mentioned coming up with a number, 45mph, where did they come up with this number. He further commented that later on when the agenda item comes up, it will be clarified why 45mph was picked, as Mr. Bigelow wanted 35mph, but 45mph was placed on the petition. Mr. Hamm also commented that he would like to talk more about numbers because the safety out there that is being talked about is all about numbers, it's about math, what is the math associated with a crash. He further commented that if anyone is familiar with highway safety and crashes, the vehicle speed is the number one determinate of crash severity and crash survivability. He stated that this is why speed is such a big number. He further commented that the signatories of the petition for a win-win solution. Let's put a little bit of inconvenience on the through travelers coming through Kingsville from General Cavazos highway to the southern city limit. This would be an extra 23 seconds that they would have to travel 45mph rather than 55mph. For that 23 seconds that they are an inconvenience, maybe once in their lifetime, the residence that has to deal with the compromised safety that TxDOT, we think is making us endure, we have to endure blunt force trauma in a crash. He further commented that his daughter was in a crash out there, he was in a crash on FM 1717; blunt force trauma is a result of a crash on a human body. If the speed limit is lowered from 55mph to 45mph, blunt force trauma can be lowered as much as 49%. He commented that this is what they are asking for, to give 49% less blunt force trauma in a future crash and make the travelers going through there go 23 seconds longer than they normally would.

Max Castillo, 405 Nelda commented that if he understands correctly, the public can speak about anything on the agenda, and now is the time and not while the Commission is discussing an item. He further commented that he is here to continue his opposition to the convenience store which would be located across the street from the park. He stated that one of his neighbors had a discussion with park personnel and has also expressed a concern that a concession at the park during softball games may be affected by having a convenience store across the street. He further commented that in the previous commission meeting he mentioned the 26 convenience stores that were identified around the city that were abandoned convenience stores, they have identified a couple of others in the area. One being on Fairview and Santa Gertrudis and the other being the Apple House on 6th Street. Mr. Castillo further stated that the other thing that he took note of is that Santa Gertrudis Estates, University, Chandler Acres, and Hillcrest are neighborhoods that are what he considers upper class, have never had a convenience store in those neighborhoods. He further commented that he believes that there is a reason why and with some of the things they have expressed have a lot to do with that. He further stated that the other thing he wanted to make mention is that the 100 and some signatures that were introduced to the Commission, most of those signatures were from way outside the area that he feels that would be affected. He commented that he doesn't feel that those individuals should have a say in what goes on in his neighborhood. He also commented that it has supposed that because they are opposing this convenience store is because they are anti-growth, which is further from the truth. They are delighted for all the work that the city has done with bringing in Chili's, Chick-fil-A, and IHop and hope that the city can continue to bring these types of establishments. He also commented that with regards to the theatre that Commission Lopez has been pushing for, they embrace all that, they just don't want those stores in their neighborhood. He further commented that there is a place for them.

Dianne Leubert, 715 W. Nettie commented on the newspaper article about the shelter, it mentioned being chained all day, she stated that she thinks that there is a law that is going to address that. She also commented that the \$10 fee to adopt and free rabies, which are great, but it gives a year and commented that she doesn't know if that was a typo and further commented that it said that it gives a year to spay or neuter. She commented that she is not sure how those are checked but the city may want to as a female cat and dog can have hundreds of puppies and kittens in a year. She further commented that they just had a dog that had 15 puppies and cats can have a lot of kittens. This is a lot of animals in a year. She commented that it used to be 30 days, but this can't be done with a puppy, but there are ways to do something more positive

or quicker to keep them from reproducing. Ms. Leubert further stated that the hours of the shelter, 8:30 a.m. to 11:30 a.m. and 1:00 p.m. to 4:30 p.m., and on Saturdays, there is a lot of people that work and that want to get their animals. She commented that Saturdays are very important, and Saturdays were being done for a while, sometimes they were busy, and sometimes there were not, but it takes a while for people to get used to someplace being open again. She further commented that when you are managing you can split shifts. You can have businesses open during the lunch hour, but you would have to split your employees. These types of things would make things user-friendly. She also commented that one other thing that needs to be checked is when the ACO's go out and do a wellness check on an animal, are they asking for vaccination proof? As it is the law to have the rabies shot. Ms. Leubert further commented that Kingsville Animal Advocates has never been banned from rescuing animals out at the pound.

Hugh Lieck, 408 Nelda commented that he is here to speak against having the new supposed neighborhood grocery store brought in. The people who are doing this, including their attorney who came up and spoke at the last commission meeting, make it sound as if this is going to be some great benefit to the community and their neighborhood. He further stated that they make it sound as if they are going to put a little grocery store where you can buy fresh meat, fresh fruits, fresh vegetables, and maybe some good dairy at reasonable and competitive prices. He further commented that what they all know is that this place is going to be, as he has said before, purveyor poison. They are going to be selling cigarettes, beer, chips, sugary things, and sodas which are going to be their main product and that's what their main customer is going to be coming to get. He also commented that they will not be selling lettuce and tomatoes at a price comparable to Walmart which is a mile from where they are planning to put this in. He further stated that this is not an underserved community when it comes to Stop-N-Shops and their neighborhood is certainly not underserved. Gregg's Short Stop is nearby, and this is not a walk to the store and a walk around the neighborhood. He further commented that he can see where the neighborhood grocery store if you go to a high-density part of the city, go over on west on anything, Lee Street or any of that area where you have people who don't have much money and maybe who don't have cars who need a local grocery store that they can walk to, that is great. He further commented that all this is going to do is be an attractive nuisance to the people who are going to be at the park. He further stated that this is something that he wants on the record, somebody is going to get run over and killed and it's going to be a kid and there is no question about that. He further commented that he wishes the newspaper was in attendance at this meeting to put this on the record as this is a real concern. The walk to traffic would be there as it will not be somebody from the neighborhood, it will be some kid from the park. It will increase are traffic in that area and it is a bad street already. It will be on the commission if it is approved and then some kid gets killed. He further commented that he would like for the commission to think about how this is a positive thing for the community, which is not clear, and how it is a negative thing for the community, especially his neighborhood.

Lisa Bockholt, 1411 E. FM 1717 commented thanked the commission for allowing her to come to the podium during the last commission meeting and speak about the city stray and unwanted pet problem and the ongoing overcrowding at the Animal Shelter. She further commented that this is an item that is near and dear to her heart and is very passionate about. She thanked the Commission and City Manager for the attention they have given and knows that each one of them shares their concerns and recognizes that there is a problem that we as a community need to address. She stated that she would like to give the Commission some food for thought to consider ways where everyone can work together in the coming year to find solutions to some of these problems. Mrs. Bockholt further commented that the City Health Department put out a notice and that notice indicated that 16 dogs have been at the shelter for over 40 days. The individual length of stays for those 16 dogs, will determine that they have averaged 61.31 days at our shelter. Mrs. Bockholt further commented on some documents that she has provided the commissioners regarding a comparable shelter. She stated that it is a shelter comparable report calling this a length of stay cost factor analysis. National averages for shelters on a per impounded animal basis run on the low end of the spectrum 250 to the high end 500. She commented that these are numbers she can back up and is happy to answer any questions as to where she got these numbers if the commission wishes to ask. She also commented that the differentiation comes from jurisdictional payroll budgets, overhead, and a variety of things that go into the cost factor analysis on what animals in shelters cost per animal to maintain and to keep. She stated that she wanted to give the commission a current analysis and with regards to the 16 dogs she spoke about, they are averaging 61.31 lengths of stay. If they were only there for 10 days, if a dog was at the shelter for 10 days the number for that one dog would be anywhere from 2,500 to 5,000.

Jeff Hall, Oasis RV Park, 5151 S. US Hwy 77 commented that his comments are regarding agenda item 9, request to lower the speed limit to 45mph. He further

commented that he often encounters numerous guests from all over the United States as this is a popular stop for winter Texans. They come in full of anxiety and fear as a semi-trailer was tailing them and blowing their horn as they were turning into their driveway with a 45-foot Class A towing a vehicle. Many of these are 75 plus feet long and often have numerous trailers coming in at once and the current speed limit of 55mph has warned reviews online regarding how dangerous it is already, and this is the highway and not the frontage road that is being built currently. Mr. Hall further commented that the danger is there whether or not the city acknowledges it. They are here to put their concerns on record and plea with the city to keep their guest safe and lower the speed limit to 45mph. If not, let the record reflect that the city would be held culpable if anyone is injured while trying to enter the park.

Sylvia Carrillo Trevino commented that for the record, she is not an attorney, she is a development and is representing the Sanchez's on their request for rezoning. She further commented that this is a request for a rezone to C1, the least intensive commercial district, and is surrounded by Sanchez family holdings, surrounded by Sanchez family holdings. There has been a lot of talk about successful endeavors in this arena in this area. She further commented that you have to have a dream and a desire, you have to have experience, a plan, and most importantly, you have to have money. You have to want to invest in this town. The Sanchez's could have turned away when they faced all of the opposition, but they believe in their dream and believe in the city, and believe that this can be a successful venture. She commented, what is their dream, it's a convenience store, not a place where you are going to be rounding up cigarettes, rounding up kids and spiking them up with energy drinks, etc. It is a consignment shop, gift shop, deli, and a family-friendly legacy to their children. They live right next door to the property; they wouldn't want to build something that they wouldn't want to leave to their children. Their children own property right next to the facility. She further commented that the hope is that it becomes a neighborhood staple. She further stated that from the map, the 1,000 feet away and the law says 200 feet. The Sanchez's went well above and beyond to try to reach their neighbors. They went across the street; they went above they went back. She commented that there is no secret that the opposition is on Nelda, there is no secret to that, but she would encourage the city to look at the support beyond Nelda, around the entire endeavor. She further commented that they had to plan, they researched and talked to the neighbors before they even spoke to her. She is family and they didn't want to bring her into it until they said does it even have the possibility to float. She commented that the first thing she did was look at the Master Plans, the plans the Commission has approved, and they all point to the development and growth of the area. She also commented that the mayor mentioned a joint land use plan, the commission has reviewed land, the city's future land use plans call out for this kind of growth. They call out for neighborhood-friendly, pedestrian-friendly developments. She also commented that we don't know about any kid getting run over across the street, they haven't even gone into the site development process. It's going to require traffic analysis and require lighting and mostly crosswalks which are all development impacts. An expensive proposition for the Sanchez's that they are willing to invest. She further commented that they had a positive response from city officials and now the count is to be at 107 signatures. A preliminary site plan was provided where there are landscaping islands and lighting and all kinds of things that have to be there.

John Sanchez, 4100 S. 6th Street commented that he would like to address some of the resident's concerns. One thing they talk about is the longevity of the store and that it will not make it. Back in the early '80s, he worked for Sigmor which became Diamond Shamrock and is not Valero on 14th Street. He commented that they started at the 14th Street store and transferred to the store on King Street a couple of years later. Buddy Childs who was a customer of the store had all his cars from the dealership being fueled there and another customer was Judge McDaniel. About a year later, he was asked to take over the store on 14th Street and was given one year to turn it around or they were going to shut it down. The store was failing due to poor management, and he turned it around and is still in business today. He asked why should this matter, good management experience matters which they bring to the table in this business. Location is only an aspect of management experience that also matters. He commented that they are a lifelong resident and wish to bring a good business to their area. Mr. Child's business was only a couple of blocks from the Diamond Shamrock on King Street and the Courthouse wasn't further from there. Yet, Mr. Child's moved all his business to the store on 14th Street as Judge McDaniel did the same. They didn't mind driving the extra distance for good customer service, as he believes will happen at this location. Mr. Sanchez further commented that Mayor Fugate was a customer of his at the time as well. He believes that an individual from Nelda Street was a customer at the time. He is hopeful that the residents on Nelda Street will become part of his customer base as well as the others throughout the city. He further commented that he truly believes that if they are allowed to open the store in this location, it will be successful in management and meeting the needs of their customer. He also commented that Mr. Lieck mentioned

that drainage from the store will go in his direction and that he is downstream which is not true. None of their land that directly surrounds the location doesn't intersect with any of their properties. He further commented that Mr. Lieck mentioned that they had to go further out to get signatures, and he is correct. Mr. Sanchez further stated that where they have located the land around them has never developed into a neighborhood. It is only recently that the development that is occurring across the tracks from them, which is further proof that the city is growing in that direction. He also stated that they went to those streets, close to the neighborhood, as they knew the residents on Nelda Street were against the development and they also wanted to get input from the surrounding neighbors who are strongly in favor of the store. Not only are they in favor, but also thrilled. Mr. Sanchez also commented that he would also like to mention that they took a petition long before they did. They had 22 signatures against of which all but 2 were from the neighborhood. He stated that he covered most of the streets as they did and received more signatures in favor of the store. Mr. Sanchez stated that if you drive to the entrance of Nelda Street from the proposed location it would be approximately half a mile. He further commented that he is sure that it has been seen many times that when a new development is proposed you will almost always have a small group of citizens that will oppose it. We should listen to legitimate concerns and address them which they will do as they work through the site process with the city.

Belinda Sanchez, 4100 S. 6th Street commented that the store they propose to build is going to be very attractive. The city's building codes will be well kept and have an eight-foot fence on two sides and will include a drive-thru and a kitchen to serve fresh hot foods, an outdoor sitting area, and a consignment gift shop. They know there are a lot of talented people in this city and hope that the consignment portion will expose their talents and there will also be a grocery part to the store. The area will have plenty of lighting as required by city code and will improve safety in the area, specifically for the people who walk on Escondido in that corner. It will be more lit so that drivers can see the walkers walking on the grassy strip that is 30 to 40 feet wide. She further commented that they will be offering some type of incentive discounts for military and first responders. When they purchased this property fourteen years ago, they did solely so that commercial business would eventually develop towards this area, and they knew that this would be the spot for them to fulfill their dream. She also commented that they prayed about it and started working on their plans more than 10 years ago, but unfortunately it was put on hold due to a very trying time in their lives. Their plan was sped up recently when they planned on building a personal workshop behind their house but didn't work out as planned and ended up pushing them towards the dream they have always had. She further commented that they feel this wasn't an accident, but that God has opened that door for them, but not without resistance to stop them. Commercial businesses will eventually be developed in their direction and Kingsville should be allowed to grow. It will benefit the people and the City of Kingsville. She further commented that she honestly believes that we shouldn't stop Kingsville from growing, so they are asking for support and approval to allow this property to become commercial. Mrs. Sanchez further commented that Mr. Castillo had commented that she had gone way out to collect signatures, they collected signatures on Allen Drive then down to Samuel's Place, Boyd, and around Arroyo, which is all-around their area where they live as well. She further commented that they did go across the tracks to Carlos Drive, Ryette Drive, and Trant Road and received a lot of positive feedback. She also commented that there was a comment made earlier that someone from the Parks was against building the convenience store, but convenience stands are not open seven days a week and don't think that the store will be taking anything away from them. She also commented that comments were also made that a lot of convenience stores have been closed and didn't make it, they are going back to the '70s and '80s. She stated that there are a couple of very successful stores at this time.

Mrs. Mary Valenzuela, City Secretary read a public comment submitted by Lana Hougham, resident of South Creek Subdivision. The comment was read into the record as submitted:

Alana M. Hougham, resident of South Creek Subdivision, Dear Members of the Kingsville City Council: As a signatory of the petition put before you and a resident of the South Creek subdivision, I am submitting my comments. I am very concerned about the proposed speed limit of 55mph on the new frontage road. I have noticed the other sections of this frontage road have a speed limit of 45mph due to the streets that open onto the frontage road. During the construction of the new frontage road sections, the speed limit has been lowered to 55mph but is not enforced. There have been many times that I have signaled well in advance of my intent to turn into my subdivision only to have someone traveling much faster than the speed limit almost runs into me. Due to construction equipment sometimes working on the section in front of my subdivision it is not always clear that I can get over onto the shoulder to safely turn right. I have noticed that all vehicles including big semi-trucks exceed the speed limit but are not apprehended. When the traffic is diverted onto the frontage road and the speed limit is set at 55mph, I am greatly concerned for my safety as well as the safety of anyone

trying to turn into our subdivision. I would urge you to reconsider the proposed speed of 55mph and set the speed to match the other sections of the frontage road at 45mph. Thank You, Alana M. Hougham, resident of South Creek Subdivision.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the consent agenda as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, Article 3-Departments, Boards, & Commissions, by amending Sections 3-3-50 through 3-3-55, providing for revisions to the Board of Health Subarticle. (Health Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for the change order for the emergency wastewater line repair. (Public Works Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for the purchase of tasers and hardware/software for a new dispatch station. (ARPA funds). (Police Chief).

4. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sanchez Addition, Lot 4, (.964 acres), also known as S. 6th at Escondido Road, Kingsville, Texas, from R1 (Single-Family Residential District) to C1 (Neighborhood Service District). (Director of Planning & Development Services).

Mayor Fugate asked that since the Planning & Zoning Commission approved this item during their meeting, will it take a super-majority vote from the City Commission to approve the item?

Ms. Alvarez responded that it would take a regular majority vote from the City Commission to approve this item.

Motion made by Commissioner Lopez to approve the ordinance amending the zoning ordinance by changing the zoning map in reference to Sanchez Addition, Lot 4, (.964 acres), also known as S. 6th at Escondido Road, Kingsville, Texas, from R1 (Single-Family Residential District) to C1 (Neighborhood Service District), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Fugate voting "FOR". Hinojosa voting "AGAINST".

6. Consider resolution authorizing application to and acceptance of FEMA-DR-4586 (Texas Winter Storm) for a generator at Water Well #14; authorizing the City Manager to act on the City's behalf with such program. (City Engineer).

Mr. Rudy Mora, City Engineer stated that the purpose of submitting this grant application is to provide resiliency for the city's water supply system by installing a generator at Water Well #14. Other improvements at Water Well #14 include a new pumphouse structure and equipment. The approximate cost of the generator is

\$100,000.00. If awarded the grant, it will pay 75% by federal assistance from FEMA regarding the 2021 Texas Winter Storm Uri. The application deadline was initially November 5, 2021, but has been extended to January 15, 2022. If awarded, the city's cash match for the project will be funded by the 051 Utility Fund for \$22,500.00

Motion made by Commissioner Torres to approve the resolution authorizing application to and acceptance of FEMA-DR-4586 (Texas Winter Storm) for a generator at Water Well #14; authorizing the City Manager to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

7. Consider a resolution adopting the City of Kingsville Economic Development Grant Program and Administrative Manual; and providing for evaluation of each application for conformity with such program and criteria before submission to the Commission. (City Manager/Economic Development Director).

Mayor Fugate commented that he spoke with Mr. McLaughlin this morning and requested that two amendments be made to the manual. There is a provision in there that if the committee that is selected makes a decision, for the Commission to overrule that decision it has to be a 4-1 vote, he has asked that it be a majority vote of 3-2. He further commented that also in the supervision of the grant, this is going to be a big operation, and they are asking for both the EDC and Finance Department to monitor the grant itself. He also commented that he can see if 4 to 5 grants are received, some could be big, it's going to be a big job.

Mr. Manny Salazar, Economic Development Director commented that you don't know until you get into it. If they have one to two applicants, it could be manageable. If there is more than a couple, then it changes significantly.

Mayor Fugate further commented that these are the two amendments he has requested.

Mr. McLaughlin commented that changes are all on page 10 of the manual. If the manual is approved, those changes will be included.

Commissioner Torres commented that she was confused on Part 1 A2, the third paragraph, which states that the applicant is responsible for 75% of the total allowable project cost. She further stated that in Part 1 B2 and Part 1 B4 it states that the focus is 30% to 50% or more than 50% and may be raised to 50%.

Mr. Salazar responded that those are more aspirational, he believes. The grant intends to not be the sole source of funding for any project and so this is setting some parameters on what they would like to see ideally.

Commissioner Torres further asked if they are not specific, more or less what you see, it can be changed instead of the 75% the city would co-share with it at 50% and the project 50%?

Mr. McLaughlin responded yes; it can be that way on a case-by-case basis. The part that Commissioner Torres is talking about, 30% to 50% was a capital investment which is a little different than the match. They may have multiple investors and we were trying to think out the different scenarios we can come up with. There are some provisions in the manual that if someone is asking for money but has nothing to do with their project, the applicant doesn't own it, we are looking for capital investment by somebody of at least 30% to 50%.

Commissioner Torres further asked that if she is the individual who is a resident of Kingsville applying for the grant and she has capital or has an investor from Houston, TX who is putting the majority in, they would be the ones that are mainly funding the project, she would still be eligible for the grant?

Mr. Salazar responded yes; he believes this is correct.

Mr. McLaughlin commented that he agrees with Mr. Salazar because everyone will be evaluated on his/her package, creditability, and background. He further commented that it is hard to say yes, it's a blanket for everybody to be in that scenario, every package will be analyzed on the validity of its application.

Mr. Salazar commented that for example, someone wanted to apply for the grant, and they had funding from a bank in Austin, as one's financial backing, this would not disqualify the applicant, this is just another source of revenue that the applicant is going

to use, although it will be disclosed to the Grant Administrative Board as it is part of the process. The applicant would identify the amount of personal dollars, the amount in bank loans, and any investors, identifying the different sources of capital that the applicant has. This would give a view of where the funding for the project is coming from.

Commissioner Torres that 1 C4(5) states that letters of recommendation by public and community business letters if credit reports have insufficient credit listings. Torres asked if this was a common practice or can an example be given to her.

Mr. Salazar responded that this is one of the provisions that they borrowed from the revolving loan fund from the Brazos Valley Council of Governments. They have a revolving loan fund that the City of College Station and Bryant both pay into, and the COG is the one who administers the grant. He further stated that when they started exploring this process, he reached out to them as he had a friend that used to work out there to get their packet which is what he used to build this packet from, and this is one of the pieces that he transitioned from their packet to ours.

Commissioner Torres further asked if Brazos is larger than Kingsville?

Mr. Salazar responded yes. He further commented that he has some concerns on the credit report part as it has confidential information in it, so they changed from a required document to a request with the idea that they don't want to prohibit themselves from asking for that. They won't ask for it unless it's a 50/50 split in trying to figure out if the project is something the city is looking for, it was changed upon request for credit reports as opposed to a requirement. He further commented that they don't want to pull people's confidential information unless they must.

Commissioner Torres further asked that on Part 2 A2, can a GAB member apply and vote on their application if they serve on the Board? If they serve on the Board, and the manual states this, it has to be a business-oriented individual and they want to apply for the grant, she further stated that she knows that Robert's Rules has some discussion on that, but would they be expected to or would they be.....

Mr. Salazar responded that the expectation would be that this person would recuse themselves from that vote. This would be a conflict of interest and he would go as far as if you served on the Grant Administrative Board, perhaps they shouldn't be eligible to apply for the grant until they have rolled off from that Board. He further stated that he is not sure the legalities on this, but that person would need to recuse themselves.

Commissioner Torres commented that this is something that she felt needed to be specific on that. She further stated that on 2 A2, limitation on terms served, it states two years, but they can serve on there for as long as and asked if we are not going to say eight years or ten years. She further asked if we are going to leave it and they serve on it for twenty-five to thirty years?

Mr. Salazar responded that for example, if he is serving on the Grant Administrative Board as a volunteer non-voting member, every two years he would be up for reappointment which would be up to the Commission to determine whether or not they say yes, they want him to continue serving or time to roll-off and give someone else a chance to serve.

Mayor Fugate commented that this is the practice that the Commission already does with city boards. Everyone has a term limit, and the Commission must reapprove them. He further commented that what the city has incurred is that we have a hard time finding individuals to fill these positions. He commented that term limits sound like a great thing, but you don't have people who want to do these jobs.

Commissioner Hinojosa commented that the city had that for a while on the City Commission.

Mr. Salazar commented that it would be up to the Commission whether or not an individual will continue to serve or if there are more qualified applicants that will get thrown in the same hat.

Commissioner Lopez commented that a couple of years ago the city had a lot of problems with some of its boards as it is on a volunteer basis.

Commissioner Torres asked that on Part 2, B2, was that going to be changed or discussed regarding the first come first serve, or was this going to be quarterly, or was it going to remain as first come first serve.

Mr. Salazar commented that when they discussed that, you would have to feel out as well. If we come to a point where we need to divide it out quarterly, that determination can be made down the road. But initially they thought to have the first come first serve basis with the ongoing understanding that this needs to be reevaluated based on the availability of grants and the disbursement rates.

Mr. McLaughlin commented that he left that in there because after reviewing the tape, there was no clear consensus for him to change it. There were valid concerns, but until we see how it goes, he didn't want to change it and he didn't have a clear consensus from listening to the tape that the commission wanted it changed.

Commissioner Torres stated that she looked at the minutes from before as well.

Mr. Salazar commented that it may be one of those at the same time next year that maybe every quarter there is x-amount of dollars that will be disbursed, and one would have to apply within that quarter, which is an option. He further commented that it's unfortunate not knowing how it is going to go until you get into it.

Commissioner Hinojosa asked Mr. Salazar if he would be reviewing the first ones that come in and determine if they qualify or not?

Mr. Salazar commented that once everything is approved and applications are ready and publicized, they will start receiving applications then the Administrative Board would be established and approved by Commission, then applications will start being reviewed and making recommendations to the Commission for their approval.

Motion made by Commissioner Hinojosa that this is approved based on the amendments that have been spoken about, adding the Finance Director and EDC Director to monitor and make it just a simple majority and have Ms. Alvarez check if you are a board member and whether you can apply for it.

Ms. Alvarez commented that this can be added to the amendments that state that you cannot apply if you are a sitting advisory board or city commission member.

Mayor Fugate asked Commissioner Hinojosa if he would like to put this amendment in there. Commissioner Hinojosa responded yes.

The motion was seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

8. Consider out-of-state travel for Commission and staff to attend the NLC Conference in Washington, D.C. on March 11-17, 2022. (Commissioner Alvarez).

Motion made by Mayor Fugate to approve out-of-state travel for Commission and staff to attend the NLC Conference in Washington, D.C. on March 11-17, 2022, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

9. Consider a resolution requesting the Texas Department of Transportation support a change to the proposed/posted regulatory speed limit from 55mph to a maximum of 45mph on the newly constructed southbound US-77 By-Pass service/frontage roads, during and after the current construction project, and during the traffic shift from the main lanes of US-77 By-Pass to the US-77 service/frontage roads, in the area south of General Cavazos Blvd to the southern city limits of Kingsville. (Commissioner Lopez).

Motion made by Commissioner Torres to approve the resolution requesting the Texas Department of Transportation support a change to the proposed/posted regulatory speed limit from 55mph to a maximum of 45mph on the newly constructed southbound US-77 By-Pass service/frontage roads, during and after the current construction project, and during the traffic shift from the main lanes of US-77 By-Pass to the US-77 service/frontage roads, in the area south of General Cavazos Blvd to the southern city limits of Kingsville, seconded by Commissioner Lopez and Commissioner Hinojosa.

Mayor Fugate commented that when he gets off the by-pass in Bishop he has to drive 45mph to get to business 77. Almost all of these frontage roads are 45mph. He further commented that these people are right, that is a dangerous place. TxDOT should have done this before they did any other bypass in Kingsville, they are waiting to do it last. He further stated that he understands why because they didn't want to spend the money to go across the creek, but we have killed and maimed so many people at that intersection on FM 1717 and Hwy 77, so traffic needs to be slowed down. He also

commented that not only do we need to make the speed limit 45mph on that frontage road, but we also need some enforcement out there.

Commissioner Alvarez asked if anyone from TxDOT was present at this meeting? Mayor Fugate responded that there is a representative present. Commissioner Alvarez commented that she would like to ask the representative a question. Commissioner Alvarez that at the previous meeting the Commission had asked Mr. Ramos if he could take some of their recommendations that they didn't take a vote on at that time, and asked if Mr. Ramos had any feedback for the Commission on what his supervisors are saying and is there a possibility?

Mr. Lucio Ramos, Area Engineer with TxDOT, 1071 S. US 281, Alice, TX responded that they have a process that they are going to follow up on that process just before opening this up to traffic. This is the process that they have to kind of see everything that is out there and be able to make adjustments for what they are seeing and drive it and drive the driveways in and out. He further commented they would look at site distance and fixed objects and anything close to the road and make adjustments to a speed limit. He stated that they do have this and they will review it.

Commissioner Alvarez asked if the resolution is approved, will they consider it?

Mr. Ramos responded that it will be based on the review they have. What this will do is once they can make a recommendation on the speed limit, it is a recommendation, it has to go through their Transportation Commission for approval, but this passing will support it to the Transportation Commission.

Commissioner Lopez commented that the County did the same thing on this today. With the residents asking for this and as we have seen so many traffic accidents through there it's the best thing to do and it's about their safety and hopes that TxDOT considers this.

Mr. Ramos commented that they will take all this but making a recommendation or getting to an actual speed limit is kind of tough when having to also review the traffic that is going to be on it. He further commented that this is the only way they can get all this done, which is by moving all the traffic there. They are looking at trying to get a good balance for all the traffic coming in from the side streets and their US Highway traffic. He stated that the way he sees it is that it's nothing different than what is there. They have all these interim crossovers, and they are still using that, and traffic is still going out there at 65mph. He stated that now the only difference is it is a lot closer to the driveways or the property lines. He also stated that they are still going to review it and drive it and look at all the other items and maybe even drive it coming in and out of these particular driveways.

Commissioner Lopez commented that because it is a lot closer, she thinks it's more dangerous because if they are at a stop, by the time they take off, it being closer, it's a lot more dangerous for them.

Mr. Ramos commented that they will look at all that when it comes to doing the process. He further commented that part of this is that he will be asking for the city's support in enforcement as a lot of people have already noticed that traffic is going through there at higher speeds. The best thing to do is to have the enforcement, if we will be recommending a lower speed. He also commented that otherwise, it could be a lot more dangerous by having too many variable speeds in the area.

Commissioner Lopez requested for Mr. Lance Hamm to come up to the podium and make his comments on this matter.

Lance Hamm, 912 South Creek commented that he was hoping to get his last email submitted into the record mainly as a rebuttal to some of the things that the City Manager said at the last meeting when he spoke about the frontage road and 45mph and it wasn't on the agenda. He further stated that it was a speed limit study rather than a 45mph reduction. He further asked if the email can be submitted to the record.

Mayor Fugate responded yes and asked if Mr. Hamm had the email that was submitted. Mr. Hamm responded that he did have a copy and further commented that the City Secretary had received the email. Mrs. Valenzuela asked if this was the email that was received over the weekend. Mr. Hamm responded yes. Mr. Hamm further commented that a lot of his arguments are in the email and doesn't want to speak about it today unless there are any questions.

Note: The email Mr. Hamm is referring to was emailed on Saturday, January 8, 2022, at 4:03 p.m. As the email was not read at the meeting, the full email will not be included

in the minutes for this meeting. Summary of the email, the email referred to safety speed limits on the southern part of Highway 77 and near the South Creek Subdivision.

Commissioner Alvarez asked how long the process takes? Mayor Fugate responded that it takes two years., two years away from finishing the project. Commissioner Alvarez further asked if it is also to decide the speed limit? Mayor Fugate responded that he is not sure how long that will take.

Mr. Ramos responded that they are hoping to do the review two to four weeks before opening this up.

Commissioner Alvarez asked if it would take two years before its completed? Mr. Ramos responded that the two years are for the progress of the whole project. He further commented that traffic will not be running on this for approximately 18 to 24 months.

Mayor Fugate asked when the decision would be made for changing it for the frontage road? Mr. Ramos responded that because they need to have everything there and almost completed, they would also want to drive it for about two to four weeks before the completion when everything is already paved and everything is moved out of the way, they will still drive it before they move the traffic over, but the decision may not be until after they have moved the traffic over. Ramos further commented that they are going to try and do this as quickly as they can, but it may not come until after. Mayor Fugate asked if the city could set the speed limit in this area? Mr. Ramos responded that to his knowledge no, he believes it would still need to be approved by them and it would have to be a recommendation or a study, which the study could not happen until traffic is there, as this is how the process works with a traffic study.

Commissioner Alvarez commented that she knew this would be a long process, but she wanted for the citizens that are concerned that it is a long process and not going to be done overnight.

Mr. Ramos stated that as far as driving it and looking it over, it may take a week or two, but they would still have to get it all prepared and make the recommendation to the Transportation Commission which could take another month before getting a decision.

Mr. McLaughlin commented that to clarify the question about the city setting their speed limit, according to Section 3 of Construction Regulatory Advisory Speeds TxDOT document it states under request for regulatory construction speed zones, cities have the authority to establish construction speed zones within their corporate limits and this should be encouraged since the city will most likely be responsible for enforcement. However, if the city desires the Transportation Commission to establish the zones, then the district should have a written request from the city on file. Mr. McLaughlin further commented that this is straight out of TxDOT Manual.

Mayor Fugate commented that instead of sending them a resolution, why not place it on the next agenda to set the speed limit in that area at 45mph.

Ms. Alvarez commented that typically within the city limits a speed study would still need to be done before setting a speed limit.

Mayor Fugate commented that all that needs to be done is to look at the history of FM 1717 and you will have all the history you need. He further stated that as an attorney he has been involved in 3 fatalities in that area, and he has all the history he needs.

Commissioner Alvarez asked if the Commission can still vote on the resolution and still place it on the agenda for next time?

Mayor Fugate and Commissioner Lopez responded yes. Mayor Fugate moved forward asking for a roll call vote.

The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

10. Discussion regarding creation of temporary advisory task force to make recommendations on stray animal population issues. (Commissioner Torres).

Commissioner Torres stated that this is from the last meeting where it was to be discussed if it would be a possibility for a Task Force or an Ad Hoc Committee.

Mayor Fugate commented that what he would suggest doing is that if this is to be an action item, place it on the next agenda, then ask if the Commission can take action on a discussion item.

Ms. Alvarez responded that the Commission can not take action on a discussion item but hopefully there will be sufficient discussion to give staff an idea of what future action would be so that a resolution could be prepared if the Commission is looking for an advisory committee, length of the term of the committee is to be a temporary such as a 6 month or 12 months, will it have five members and will each commission appoint a member; how many people to have, how will they be selected, and how long they want the board to last.

Commissioner Torres commented that since there has been some miscommunication between different organizations, this may be a possible solution that they come together and speak and give a definite type of resolutions or ideas they may have where the city may be able to curb the situation or help. She further commented that she is aware that the AOC people go out and do as much as they can and it has to be hard for them to house this many animals. She further stated that as an owner of three dogs, and maintaining three dogs on a schedule is hard, she can imagine how hard it is for the employees. She further commented that maybe there is something that together they can come up with, a direction where we can help so that we don't have them in there for 50 to 60 days.

Mayor Fugate commented that what staff is asking for is if there is an advisory board how do we want to set it up. There is no need to reinvent the wheel, Corpus Christi already has one, and staff can see how they do theirs, but it will require some research.

Commissioner Alvarez asked if committees or boards must be odd numbers?

Ms. Alvarez responded that it is better to have an odd number in the event they are voting on a recommendation to forward to the Commission. This way there will be no ties that need to be broken.

Mayor Fugate asked for Commission Torres to do some research on this and work with the City Attorney on it as she can assist with it as well. Also, looking at other organizations and seeing how they do theirs may be helpful as well.

11. Executive Session: Legal Exception: Pursuant to Section 551.071, of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding threatened litigation. (City Attorney).

Mayor Fugate read and convened the meeting into executive session at 6:19 p.m.

Mayor Fugate reconvened the meeting into an open session at 6:50 p.m.

12. Consider adjustment to Kingsville Housing Authority utility account. (City Manager/Finance Director).

No discussion or action was taken for agenda item #12.

13. Executive Session: Personnel Exception: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).

Mayor Fugate read and convened the meeting into executive session at 6:51 p.m.

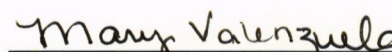
Mayor Fugate reconvened the meeting into an open session at 7:49 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:50 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary

***The exhibit below (Exhibit 1) was approved at a City Commission meeting held on February 14, 2022, to be added to the minutes of January 10, 2022. ***

Exhibit 1

From: Lance Hamm <lancehamm62@gmail.com>
Sent: Saturday, January 8, 2022 4:03 PM
To: Mayor Fugate; Mark McLaughlin; Courtney Alvarez; Mary Valenzuela; Commissioner Norma Alvarez; Commissioner Lopez; Commissioner Hector Hinojosa; Commissioner Ann Marie Torres; Rudy Madrid; bigc1149@yahoo.com; David Rosse; msalinas@co.kleberg.tx.us; jmartinez@co.kleberg.tx.us; Lucio Ramos; Valente Olivarez Jr; Lance Simmons; America Garza; gina.garza@ricardoisd.us; kvarnell@ricardoisd.us; csaverline@ricardoisd.us; rzavala@ricardoisd.us; ccannon@ricardoisd.us; blukefahr@ricardoisd.us; plerma@ricardoisd.us; mmendietta@ricardoisd.us; abull@ricardoisd.us
Subject: Kingsville & Kleberg Co Commissioner Mtgs 10Jan Resolutions for 45MPH Speed Limit on US77 Frontage Rd
Attachments: Kingsville_KlebergCo Speed Resolutions.pdf; TxDOT & AASHTO Rdwy Design Excerpts.pdf

Caution! This message was sent from outside your organization.

To All Kingsville and Kleberg County Traffic Safety Stakeholders including:
 Kingsville City Commissioners, Mayor, and other City Officials,
 Kleberg County Commissioners & County Judge,
 Texas Department of Transportation, TxDOT (Alice Office, Corpus Christi District Office, Officials in Austin),
 Ricardo ISD School Board, Bus Drivers, Children (and their families) on Bus Trips,
 Kingsville ISD School Board, Bus Drivers, Children (and their families) on Bus Trips,
 Road-Users (and their friends and families) of US77 By-Pass within the city limits of Kingsville, Texas, and in Kleberg County, Texas;

Hello to all.

With upcoming City and County Commissioner meetings on 10JAN2022 and the Ricardo ISD School Board meeting on 19JAN2022, the following email is submitted for your consideration in regard to any resolution asking TxDOT for a regulatory speed limit reduction on US77 By-Pass Service/Frontage Roads between FM1356 and CR2120 within the boundary limits of Kingsville and Kleberg County, Texas.

This email is long, thorough, and has attachments, therefore, let me outline what follows and explain what is in the attachments (for your reference).

1. PROBLEM STATEMENT (what has changed that caused the problem)
2. REQUEST FOR HELP (and similar requests in the past)
3. AUTHORITY TO HELP
4. WHY TO HELP
5. CONCLUSION

ATTACHMENTS:

1. Kingsville City Commissioners and Kleberg County Commissioners Court Resolutions
 - a. Kingsville City Commissioners Resolution 2012-03 (page 1)
 - b. Kingsville City Commissioners Resolution 2015-45 (page 2)
 - c. Kleberg County Commissioners Court Resolution 023-2015 (page 3)

2. Excerpts from TxDOT and American Association of State Highway and Transportation Officials (AASHTO) manuals

- a. TxDOT NEED AND PURPOSE statement regarding safety concerns of US77 at-grade intersections in Kleberg County, circa 2012 (attachment page 1)
- b. City authority to request construction-zone speed limits from TxDOT, TxDOT Manual - Procedures for Establishing Speed Zones PESZ (attachment page 2)
- c. TxDOT and City procedures for defining speed zones and conflict resolution procedures, PESZ (attachment page 3)
- d. AASHTO Clear Zone guidelines, AASHTO Roadway Design Manual RDM (attachment page 4)
- e. TxDOT Clear Zones, TxDOT Roadway Design Manual RDM (attachment page 5)
- f. TxDOT Acceleration and Deceleration Lane Distances, TxDOT RDM (attachment page 6)
- g. Other TxDOT manual excerpts for reference (attachment pages 8-16)
 1. "Public Input" used for establishing TxDOT posted speed limits, TxDOT RDM pg. 2-6 (attachment page 11)
 2. Mitigation of single-vehicle run-off-the-road crashes with clear zone principles, TxDOT RDM pg. 2-48 (attachment page 14)

1. **PROBLEM STATEMENT.**

During construction, TxDOT is planning to shift US77 through-traffic to the US77 frontage roads very soon, possibly Feb/Mar2022, and has planned to have the regulatory speed limit in this construction zone on the frontage roads posted at 55 MPH. It is the opinion of many residents that this TxDOT shift of main-lane traffic to the frontage roads (possibly 10 to 15,000 vehicles per day, on average, over a span of 18 to 24 months during construction) will create an unacceptable dynamic change to the roadway safety design and will present a foreseeable risk to public safety that may result in increased vehicle crashes, road-user injuries/fatalities, and road-user property damage.

2. **REQUEST FOR HELP.**

For the safety of all US77 road-users and the prevention of foreseeable and unacceptable risk to public safety that may result in increased vehicle crashes, road-user injuries/fatalities, and road-user property damage, the signatories of the 45MPH Speed Limit Petition (previously submitted to the City of Kingsville and viewable on the [Kingsville City Agenda Packet 10JAN2022](#), page 121, click on link to view), other concerned traffic safety stakeholders, and myself (Petition Organizer), are asking local officials to request TxDOT to lower the regulatory speed limit to 45 MPH on the US77 By-Pass frontage roads during construction and after construction is complete. So far, this request has been submitted to:

- Kingsville City Commission
- Kleberg County Commissioners Court
- Ricardo ISD School Board

In the past, the Kingsville City Commission, the Kleberg County Commissioners Court, and the Ricardo ISD School Board have passed traffic safety resolutions requesting TxDOT to lower speed limits, see attachment 1 (Kingsville and Kleberg County Speed Resolutions).

3. **AUTHORITY TO HELP.**

Most public officials know their "authority to act" in the best interest of public health and safety and I'm sorry if I insult you in this paragraph. But, contrary to what the Kingsville City Manager advised during the 13DEC2021 Kingsville City Commission meeting, saying that cities should "not be telling TxDOT what to do with their property," the Kingsville City Commissioners do have the authority, and most likely the duty, to request TxDOT for changes in roadway design, including speed limits, that may improve public safety and health.

This authority is clearly defined in previous passed resolutions of the Kingsville City Commissioners and in TxDOT publications, including the TxDOT Roadway Design Manual and TxDOT's Procedures for Establishing Speed Zones. TxDOT publications clearly state;

- "Cities have the authority to establish construction speed zones within their corporate limits, and this should be encouraged, since the city will likely be responsible for enforcement" (TxDOT Procedures for Establishing Speed Zones, attachment 2.b. pg. 2). TxDOT's Procedures for Establishing Speed Zones also has a section defining conflict resolution between the city and TxDOT if they cannot agree on a posted speed limit to be used (attachment 2.c, pg. 3 of the attachment).

- "**Posted Speed.** Posted speed refers to the maximum speed limit posted on a section of highway. TxDOT's Procedure for Establishing Speed Zones Manual states that the posted speed should be based primarily upon the 85th percentile speed when adequate speed samples can be secured. Speed zoning guidelines permit consideration of other factors such as roadside development, road and shoulder surface characteristics, **public input**, and pedestrian and bicycle activity." (TxDOT Roadway Design Manual pg. 2-6, attachment 2.g.1, pg. 11 of the attachment)

The previously passed resolutions from the City and the County, previously mentioned above and in attachment 1, clearly state the authority to which these entities request TxDOT for roadway speed limit reductions:

- "Whereas, the City can act and make requests for public health and safety issues"
- "Whereas, the Kleberg County Commissioners Court owes a duty to all Kleberg County residents to act with reasonable care to avoid exposing its residents to unnecessary or foreseeable risk of injury or death"

4. WHY TO HELP? Why lower the regulatory speed limit?

A. Vehicle speed and vehicle kinetic energy transferred to blunt force trauma on the human body during crash impact must be reduced. We are asking for a speed limit reduction to reduce the blunt force trauma on the human body in possible vehicle crashes at all remaining US77 at-grade intersections. **Reducing the regulatory speed limit from 55 MPH to 45 MPH could possibly reduce deadly blunt force trauma on the human body during crash impact by as much as 49%** (in a generic T-bone crash, 55 squared divided by 45 squared). Vehicle speed at crash impact is the primary determinant of crash survivability and injury severity of the vehicle(s) occupants or involved pedestrians. Any reduction in the regulatory speed limit will exponentially reduce crash severity.

Reducing the speed limit from 55 MPH to 45 MPH from FM1356 to the southern Kingsville city limit will increase driver travel time approximately 23 seconds. Is an added 23 seconds of travel time worth the reduction of 49% in blunt force trauma in a crash? Is it worth our effort to ask TxDOT to lower the speed limit to 45 MPH?

B. TxDOT says at-grade intersections "**compromise safety**" along the US77 corridor, at-grade intersections experience higher accident rates, and there is a "**need to reduce speed to accommodate cars entering or exiting the highway at these intersections,**" see attachment 2.a. TxDOT's **NEED AND PURPOSE** statement for US77 overpass construction projects (pg. 1 of attachment 2). Over the years, the US77 corridor within the city limits of Kingsville has claimed the lives of over 30 road-users in vehicle crashes.

C. TxDOT's plan to shift US77 main-lane traffic to the US77 frontage roads dynamically changes the area/roadside distance in which errant drivers have the ability to safely come to a stop during an off-the-road crash or safety return to the roadway without hitting any roadside obstacle. This is a simple definition of clear zone (refer to attachment 2.d. and 2.e., pg 4-5 for AASHTO and TxDOT clear zone distances based on vehicle speed and average daily traffic volume ADT). Clear zone principles used by TxDOT as a mitigating safety tool may not be possible due to the distances from the roadway of roadside obstacles in the area of at-grade intersections. **If roadside obstacles cannot be mitigated, removed, or protected with guardrails, then standard roadway design minimums may have to be improved, like lowering the regulatory speed limit.** TxDOT's Roadway Design Manual states on page 2-48 of the manual:

- "Roadway design of particular concern to the design engineer is the number of single-vehicle run-off-the-road accidents which occur even on the safest facilities. About one-third of all highway fatalities [approx. 1300 deaths annually in Texas, over 3 deaths per day on average] are associated with crashes of this nature."

- "The configuration and condition of the roadside greatly affect the extent of damages and injuries for these crashes. Increasing safety may be realized through application of the following principles, particularly on high-speed facilities: *A "forgiving" roadside should be provided, free of unyielding obstacles including [...] utility poles. For adequate safety, it is desirable to provide an unencumbered roadside recovery area that is as wide as practicable for the specific highway and traffic conditions."
- **"Use of higher than minimum design standards result in a driver environment which is fundamentally safer because it is more likely to compensate for driver errors.** Frequently, a design, including sight distances greater than minimums, flattened slopes, etc., costs little more over the life of a project and increases safety and usefulness substantially."

D. TxDOT's plan to shift US77 main-lane traffic to the US77 frontage roads dynamically changes the at-grade intersection sight distance. Fences, walls, utility poles, trees, bridge guardrails, and other obstacles near the US77 frontage road at-grade intersections dramatically affects the driver environment relating to sight distance, that is, the distance the driver has available to travel and clearly see the upcoming intersection and all its safety aspects that could affect driver behavior. **If intersection sight distances cannot be maintained by standard parameters, then roadway design minimums may have to be increased to counter reduced driver sight distance, including a reduction in the regulatory speed limit.** Refer to AASHTO and TxDOT intersection sight distance in attachment 2.g.1., page 11 of attachment 2.

E. TxDOT's plan to shift US77 main-lane traffic to the US77 frontage roads dynamically changes the required distances for deceleration (exit) and acceleration (entry) lanes of the newly constructed frontage roads. These turn lanes also have a width factor that affects driver behavior. **Traffic safety may be compromised and regulatory speed limits may have to be reduced if TxDOT cannot provide standard deceleration and acceleration (turn) lane distances for the frontage roads, especially as these distances relate to RVs at the at-grade intersection near CM Nature's Own RV Resort and local school buses entering and exiting these at-grade intersections.**

F. TxDOT's plan to shift US77 main-lane traffic to the US77 frontage roads dynamically changes the need for proper illumination at all US77 at-grade intersections. Street lights, luminaires, are consistently placed along the US77 corridor at exit and entrance ramps with safe and standard clear zone and line-of-sight distances. What are the safety parameters that require luminaires during construction projects where construction vehicles on entering and exiting the highway and clear zone distances have been reduced due to construction guardrails? The luminaires at the US77/South Creek subdivision in Kingsville have been unacceptably inoperative for many months, and now during the winter months, the drivers in the area have already had to endure extreme foggy mornings and evenings at these at-grade intersections along US77. **Without proper luminaires at all US77 frontage road at-grade intersections, for the safety of all road-users, regulatory speed limits may have to be reduced to mitigate driver visibility problems.**

G. **School bus and school children safety may be compromised due to all of the above mentioned safety issues, therefore, regulatory speed limits may have to be reduced to provide adequate safety margins for school bus operations at the US77 at-grade intersections where the buses enter and exit.**

5. CONCLUSION.

- A. Reducing the regulatory speed limit from 55 MPH to 45 MPH could possibly reduce deadly blunt force trauma on the human body during crash impact by as much as 49%.
- B. TxDOT says at-grade intersections "compromise safety" along the US77 corridor, at-grade intersections experience higher accident rates, and there is a "need to reduce speed to accommodate cars entering or exiting the highway at these intersections"
- C. If roadside obstacles cannot be mitigated, removed, or protected with guardrails, then standard roadway design minimums may have to be improved, like lowering the regulatory speed limit. "Use of higher than minimum design standards result in a driver environment which is fundamentally safer because it is more likely to compensate for driver errors."

D. If intersection sight distances cannot be maintained by standard parameters, then roadway design minimums may have to be increased to counter reduced driver sight distance, including a reduction in the regulatory speed limit.

E. Traffic safety may be compromised and regulatory speed limits may have to be reduced if TxDOT cannot provide standard deceleration and acceleration (turn) lane distances for the frontage roads, especially as these distances relate to RVs at the at-grade intersection near CM Nature's Own RV Resort and local school buses entering and exiting these at-grade intersections.

F. Without proper luminaires at all US77 frontage road at-grade intersections, for the safety of all road-users, regulatory speed limits may have to be reduced to mitigate driver visibility problems.

G. School bus and school children safety may be compromised due to all of the above mentioned safety issues, therefore, regulatory speed limits may have to be reduced to provide adequate safety margins for school bus operations at the US77 at-grade intersections where the buses enter and exit.

To all traffic safety stakeholders, please help. Please, let's save a life or let's prevent a severe injury from a vehicle crash on the US77 frontage roads in Kingsville and in Kleberg County, Texas.

We have the power, we just have to act. Please, let's act now.

On behalf of the signatories of the **45MPH Speed Limit Petition**, thank you for your consideration relating to this traffic safety issue.

Respectfully,
Lance D. Hamm
45MPH Petition Organizer
912 South Creek

CDR, USNR (Ret.)
Vice President,
Kingsville Council of the Navy League
Adopted Unit Liaison (AUL)
361-720-2795

RESOLUTION #2012- 03

A RESOLUTION OF THE CITY OF KINGSVILLE CITY COMMISSION REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION SUPPORT A CHANGE IN THE SPEED LIMIT ON THE US 77 BY-PASS TO 65 MILES PER HOUR FROM THE NORTHERN CITY LIMIT TO THE SOUTHERN CITY LIMIT OF THE CITY OF KINGSVILLE.

WHEREAS, the Texas Department of Transportation ("TXDOT") maintains the US 77 By-Pass that is located on the east side of the City of Kingsville, Texas; and

WHEREAS, the City of Kingsville desires to have the speed limit changed so that the speed limit is 65 miles per hour on the US 77 By-Pass from the northern city limits of Kingsville to the southern city limits of Kingsville for the safety of its citizens and all travelers on this busy highway; and

WHEREAS, the authorization of the TXDOT is required before any ordinance enacting such a change can be approved by the City and enforced by law enforcement; and

WHEREAS, the City further requests TXDOT provide and install the appropriate signage changes upon approval of this requested speed limit change.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

1. That the Texas Department of Transportation change the speed limit on the US 77 By-Pass to 65 miles per hour from the northern city limit of Kingsville to the southern city limit of Kingsville and install the appropriate signage upon approval of said change.

PASSED AND APPROVED by the City Commission of the City of Kingsville this the 30th day of January, 2012.


Sam R. Fugate, Mayor

ATTEST:


Edna Lopez, City Secretary

APPROVED AS TO FORM


Courtney Alvarez, City Attorney

RESOLUTION #2015- 45

A RESOLUTION OF THE CITY OF KINGSVILLE CITY COMMISSION REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION SUPPORT A CHANGE IN THE SPEED LIMIT ON THE US 77 BY-PASS AT THE FM 1717 INTERSECTION TO 55 MILES PER HOUR WITHIN THE CITY LIMIT OF THE CITY OF KINGSVILLE.

WHEREAS, the Texas Department of Transportation ("TXDOT") maintains the US 77 By-Pass that is located on the east side of the City of Kingsville, Texas ("City"); and

WHEREAS, the City can act and make requests for public health and safety issues; and

WHEREAS, the City desires to: (1) reduce the number or frequency of crashes and (2) minimize the risk of fatalities and injuries and/or reduce the severity of any injury to persons or property; and

WHEREAS, the City recommends to have the speed limit changed from 65 miles per hour so that the speed limit is 55 miles per hour on the US 77 By-Pass at the FM 1717 intersection in the city limits of Kingsville for the safety of its citizens and all travelers on this busy highway; and

WHEREAS, the authorization of the TXDOT is required before any ordinance enacting such a change can be approved by the City and enforced by law enforcement; and

WHEREAS, the City further requests TXDOT provide and install the appropriate signage changes upon approval of this requested speed limit change.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

1. That the Texas Department of Transportation change the speed limit on the US 77 By-Pass at the FM 1717 intersection to 55 miles per hour within the city limit of Kingsville and install the appropriate signage upon approval of said change until the appropriate controlled access (overpass) is in place.

PASSED AND APPROVED by the City Commission of the City of Kingsville this the ____ day of August, 2015.

Sam R. Fugate, Mayor



(023-2015)

A RESOLUTION OF THE KLEBERG COUNTY COMMISSIONERS COURT REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) SUPPORT A CHANGE IN THE SPEED LIMIT ON HIGHWAY US77 AT THE FM1717 INTERSECTION TO 55 MILES PER HOUR, LOCATED WITHIN THE LIMITS OF KLEBERG COUNTY, TEXAS.

WHEREAS, the Kleberg County Commissioners Court owes a duty to all Kleberg County residents to act with reasonable care to avoid exposing its residents to unnecessary or foreseeable risk of injury or death; and

WHEREAS, the Kleberg County Commissioners Court has determined that the US-77 and FM-1717 at-grade intersection, in Kleberg County, exposes an unnecessary and foreseeable risk of injury or death to the residents of Kleberg County at the current TXDOT posted speed limit of 65 MPH; and

WHEREAS, realizing the safety aspects at this intersection is a life and death matter, the County is determined to work toward two primary goals: 1) to eliminate all fatalities and to eliminate injuries or reduce the severity of any injury or property loss, and 2) to reduce the number or frequency of crashes; and

WHEREAS, the at-grade intersection at US-77 and FM-1717, has over twenty years of documented historical crash data that reinforces the County's assertion that this intersection is not only dangerous, but is highly deadly. Furthermore, this intersection has had five vehicular crashes resulting in death (as reported by KIIITV, Corpus Christi) along with many other severe crashes resulting in injury or major property loss. Most recently, a crash at this intersection on May 27, 2015, resulted in the death of a woman from nearby Riviera, Texas, and two more major crashes in June 2015 resulted in the trampling of the vehicles from the crash site; and

WHEREAS, it is understood that TXDOT, over the years, has used the 85th Percentile Rule for determining safe traffic flow on highway US-77 at the FM-1717 intersection, and therefore, based on historical crash data, the unsafe engineered features of this intersection, and common sense highway safety policy, the County has determined the 85th Percentile Rule to be a dangerous and a highly deadly method for determining speed limits for safe traffic flow at this intersection in Kleberg County; and

WHEREAS, to reduce the number of crashes, TXDOT has proposed many mitigating safety devices to be installed at this intersection, but none have the ultimate effect of reducing the enforceable speed limit and therefore reducing the affects of deadly blunt force trauma on the human body during the next, inevitable, crash and achieving our number one goal of fatality elimination and reducing the severity of injuries; and

WHEREAS, the TXDOT maintains US77 that is located in Kleberg County, Texas; and

WHEREAS, Kleberg County desires to have the speed limit changed from 65 MPH to 55 MPH along US77 at the FM1717 at-grade intersection to reduce or eliminate the deadly affects of blunt force trauma on the human body during high speed crashes, and for the overall safety of its residents and all travelers on this busy highway and historically dangerous intersection; and

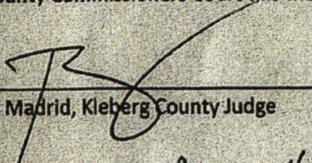
WHEREAS, the authorization of the TXDOT is required for this speed reduction to be enforced by any public safety or law enforcement agency; and

WHEREAS, the County further requests TXDOT provide and install the appropriate signage changes upon approval of this requested speed limit reduction.

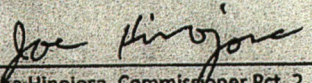
NOW, THEREFORE, BE IT RESOLVED BY THE KLEBERG COUNTY COMMISSIONERS COURT, TEXAS:

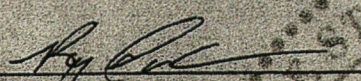
1. That the Texas Department of Transportation reduce the speed limit on US77 at the FM1717 intersection, (more specifically from the US 77 / Cavazos Blvd. intersection to the US 77 / CR 2120 intersection) within the limits of Kleberg County, from 65 miles per hour to 55 miles per hour and install the appropriate signage upon approval of said speed reduction.

PASSED AND APPROVED by the Kleberg County Commissioners Court this the 10th day of August, 2015.


Rudy Madrid, Kleberg County Judge


David Rosse, Commissioner Pct. 1


Joe Hinojosa, Commissioner Pct. 2


Roy Cantu, Commissioner Pct. 3


Romeo Lomas, Commissioner Pct. 4

NEED AND PURPOSE

NEED FOR THE PROJECT

Within the US 77 corridor, there are transportation problems that would support the following need statements for major transportation improvements to US 77:

- At-grade intersections compromise safety on this high-speed highway facility
- At-grade intersections within the project limits experience higher accident rates
- Projected increases in traffic on US 77 will increase the potential for incidents associated with the numerous at-grade intersections
- System continuity does not meet driver expectations.

PURPOSE OF THE PROJECT

In response to the need for improvements, the purpose of the proposed project is to improve safety, mobility, and continuity within the US 77 project corridor. To achieve this purpose, proposed improvements for the US 77 corridor would address the following objectives to improve:

- Traffic-related safety within communities located on US 77
- Safety for through-traffic
- Traffic mobility
- System continuity

The purpose of the proposed project is to improve safety by grade-separating through-traffic and cross-traffic at the major intersections and ranch gates and by separating through-traffic from local traffic turning onto side streets by the use of access roads. Mobility would be improved by allowing through-traffic to proceed without the need to reduce speed to accommodate cars entering or exiting the highway at these intersections.

A misconception that construction speed zones are required to improve TxDOT's position in the event of a tort claim prompted the Occupational Safety Division to seek an opinion on the matter from the Attorney General's Office. The response indicated that TxDOT's best defense against a tort action would be to have strict compliance with the TMUTCD.

According to Part 6 of the TMUTCD, reduced speed zoning should be avoided as much as practicable.

Reduced speeds should only be posted in the vicinity of work being performed and not throughout the entire project.

For example, it may not be desirable to post a construction speed zone when concrete traffic barriers are used in traffic control plans, since these barriers normally provide sufficient protection for the construction workers and the traveling public. In addition, traffic control plan designs should, as much as possible, accommodate the speeds existing prior to construction. These decisions, however, require engineering judgment depending on the nature of the project and other factors which affect the safety of the traveling public and construction workers.

On sections of highway under construction, speed studies and other studies normally made in determining speeds to be posted for a regulatory speed zone are not required. In selecting the speeds to be posted, however, consideration should be given to safe stopping sight distances, construction equipment crossings, the nature of the construction project, and any other factors which affect the safety of the traveling public and construction workers.

Only those speed limits authorized by Transportation Commission minute order, city ordinance, or county ordinance are legal, and no other speed limits should be posted using regulatory speed limit signs. Construction speed zones are automatically canceled when construction is complete.

Request for Regulatory Construction Speed Zones

When a district desires construction speed zoning for projects or portions of a project outside the limits of incorporated cities, the district should prepare and submit TxDOT Form 1204, "Request for Construction Speed Zone," to the Traffic Operations Division (TRF) for review and processing for Transportation Commission action. The "Request for Construction Speed Zone" form is self-explanatory, with instructions contained on the reverse side. The form is available via hyperlink (click on the form number above) or from TRF.

Cities have the authority to establish construction speed zones within their corporate limits, and this should be encouraged, since the city will likely be responsible for enforcement. However, if a city desires the Transportation Commission to establish the zones, then the district should have a written request from the city on file.

Section 2 — Approval Process

Outside an Incorporated City

If the strip map contains only zones outside of incorporated city limits (to be set by Transportation Commission minute order), the district should send two prints or an electronic version of the strip map to the Texas Department of Transportation (TxDOT) Traffic Operations Division (TRF) for review. When TRF and the district have reached agreement on the proposed speed limits, TRF will write the necessary commission minute order. Prints required by the district should be made prior to submitting original tracings, mylars, or computer prints to TRF.

Within an Incorporated City

If the strip map contains only zones within the corporate limits of a city, the district should send two prints or an electronic version of the strip map to TRF for review. When TRF and the district have reached agreement on the proposed zones, the district should then request the city to pass an ordinance establishing the speed zones. After receiving the ordinance from the city, the district should retain the original strip map and ordinance for its use.

Adjacent Portions Within and Outside an Incorporated City

If a strip map submission contains adjacent altered speed zones situated both within and outside the corporate limits of a city, the district should send two prints or an electronic version of the strip map to TRF for review. When TRF and the district have reached agreement on the proposed zones, the district should then request the city to pass an ordinance establishing the zones within the city limits and TRF will write the necessary commission minute order. If there is an immediate need to post the speeds set by ordinance, signs may be installed for these zones prior to receiving a commission minute order on the adjacent section, as long as the city zone and adjacent existing rural zones are compatible.

Speed Zones Unacceptable to a City

Although TxDOT has the authority to alter the speed limits on highways within the corporate limits of cities or override a speed limit set by city ordinance on such highways, it is intended that studies be made and recommendations be presented to the city for their acceptance and passage of a city ordinance to establish city speed zones. TxDOT should make every effort to have reasonable speed limits established.

In the event that a city will not accept the zones within its corporate limits as submitted by the district, and it is not possible to reach an agreement with the city on reasonable and prudent speed limits, then the district should prepare one strip map showing the city's preference and one strip

map showing TxDOT's recommendation. Both strip maps should be submitted to TRF along with the district's request for Transportation Commission action for making one of the zones effective. When the commission minute order has been passed, the district should send a copy of the minute order, along with a copy of the strip map, to the city.

The setting of speed limits within a city by commission minute order should only be used as a **last resort**; TxDOT should make every effort to secure the cooperation of the city so that the zones will be set by city ordinance.

Filing of Strip Maps

The original strip map tracings for rural roads and those within incorporated cities and towns where the Transportation Commission established the zones are kept on file at TRF. If additional copies of the strip map or the commission minute order are desired, they may be obtained from TRF.

Transportation Commission Minute Order

After the Transportation Commission passes a minute order establishing a regulatory speed zone, the TxDOT administration will send copies of the minute order to the district.

Highlighted Text Changed in July 2015 Errata

c) For roadways with low volumes, it may not be practical to apply even the minimum values found in Table 3-1. Refer to Chapter 12 for additional considerations for low-volume roadways and Chapter 10 for additional guidance for urban applications.

d) When design speeds are greater than the values provided, the designer may provide clear-zone distances greater than those shown in Table 3-1.

U.S. Customary Units

Design Speed (mph)	Design ADT	Foreslopes			Backslopes		
		1V:6H or flatter	1V:5H to 1V:4H	1V:3H	1V:3H	1V:5H to 1V:4H	1V:6H or flatter
≤40	UNDER 750 ^a	7-10	7-10	b	7-10	7-10	7-10
	750-1500	10-12	12-14	b	10-12	10-12	10-12
	1500-6000	12-14	14-16	b	12-14	12-14	12-14
	OVER 6000	14-16	16-18	b	14-16	14-16	14-16
45-50	UNDER 750 ^a	10-12	12-14	b	8-10	8-10	10-12
	750-1500	14-16	16-20	b	10-12	12-14	14-16
	1500-6000	16-18	20-26	b	12-14	14-16	16-18
	OVER 6000	20-22	24-28	b	14-16	18-20	20-22
55	UNDER 750 ^a	12-14	14-18	b	8-10	10-12	10-12
	750-1500	16-18	20-24	b	10-12	14-16	16-18
	1500-6000	20-22	24-30	b	14-16	16-18	20-22
	OVER 6000	22-24	26-32 ^a	b	16-18	20-22	22-24
60	UNDER 750 ^a	16-18	20-24	b	10-12	12-14	14-16
	750-1500	20-24	26-32 ^a	b	12-14	16-18	20-22
	1500-6000	26-30	32-40 ^a	b	14-18	18-22	24-26
	OVER 6000	30-32 ^a	38-44 ^a	b	20-22	24-26	26-28
65-70 ^d	UNDER 750 ^a	18-20	20-26	b	10-12	14-16	14-16
	750-1500	24-28	28-36 ^a	b	12-16	18-20	20-22
	1500-6000	28-32 ^a	34-42 ^a	b	16-20	22-24	26-28
	OVER 6000	30-34 ^a	38-46 ^a	b	22-24	26-30	28-30

Notes:

- a) When a site-specific investigation indicates a high probability of continuing crashes or when such occurrences are indicated by crash history, the designer may provide clear-zone distances greater than the clear zone shown in Table 3-1. Clear zones may be limited to 30 ft for practicality and to provide a consistent roadway template if previous experience with similar projects or designs indicates satisfactory performance.
- b) Because recovery is less likely on the unshielded, traversable 1V:3H fill slopes, fixed objects should not be present in the vicinity of the toe of these slopes. Recovery of high-speed vehicles that encroach beyond the edge of the shoulder may be expected to occur beyond the toe of slope. Determination of the width of the recovery area at the toe of slope should consider right-of-way availability, environmental concerns, economic factors, safety needs, and crash histories. Also, the distance between the edge of the through traveled lane and the beginning of the 1V:3H slope should influence the recovery area provided at the toe of slope. While the application may be limited by several factors, the foreslope parameters that may enter into determining a maximum desirable recovery area are illustrated in Figure 3-2. A 10-ft recovery area at the toe of slope should be provided for all traversable, non recoverable fill slopes.
- c) For roadways with low volumes it may not be practical to apply even the minimum values found in Table 3-1. Refer to Chapter 12 for additional considerations for low-volume roadways and Chapter 10 for additional guidance for urban applications.
- d) When design speeds are greater than the values provided, the designer may provide clear-zone distances greater than those shown in Table 3-1.

The designer may choose to modify the clear-zone distances in Table 3-1 with adjustment factors to account for horizontal curvature, as shown in Table 3-2. These modifications normally are considered only when crash histories indicate such a need, when a specific site investigation shows a definitive crash potential that could be significantly lessened by increasing the clear zone width, and when such increases are cost-effective. Horizontal curves, particularly for high-speed facilities, are usually superelevated to increase safety and provide a more comfortable ride. Increased banking on curves where the superelevation is inadequate is an alternate method of increasing roadway safety within a horizontal curve, except where snow and ice conditions limit the use of increased superelevation.

requirement. Where a curb is present, the lateral offset is measured from the face of curb and shall be a minimum of 1.5 ft [0.5 m]. A minimum of 1 ft [0.3 m] lateral offset should be provided from the toe of barrier to the edge of traveled way.

Clear Zone

A clear recovery area, or clear zone, should be provided along highways, as shown in Table 2-12. A clear zone is the unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes. Such a recovery area should be clear of unyielding objects where practical or shielded by crash cushions or barrier.

Table 2-12: Clear Zones

Location	Functional Classification	Design Speed (mph)	Avg. Daily Traffic	Clear Zone Width (ft) ^{3,4,5}	
				Minimum	Desirable
-	-	-	-	Minimum	Desirable
Rural	Freeways	All	All	30 (16 for ramps)	
Rural	Arterial	All	0 - 750	16	30
			750 - 1500	30	--
			>1500	30	--
Rural	Collector	≥ 50	All	Use above rural arterial criteria.	
Rural	Collector	≤ 45	All	10	--
Rural	Local	All	All	10	--
Suburban	All	All	<8,000	10 ⁶	10 ⁶
Suburban	All	All	8,000 - 12,000	10 ⁶	20 ⁶
Suburban	All	All	12,000 - 16,000	10 ⁶	25 ⁶
Suburban	All	All	>16,000	20 ⁶	30 ⁶
Urban	Freeways	All	All	30 (16 for ramps)	
Urban	All (Curbed)	≥ 50	All	Use above suburban criteria insofar as available border width permits.	
Urban	All (Curbed)	≤ 45	All	4 from curb face	6
Urban	All (Uncurbed)	≥ 50	All	Use above suburban criteria.	
Urban	All (Uncurbed)	≤ 45	All	10	--

Table 2-12: Clear Zones

<p>¹ Because of the need for specific placement to assist traffic operations, devices such as traffic signal supports, railroad signal/warning device supports, and controller cabinets are excluded from clear zone requirements. However, these devices should be located as far from the travel lanes as practical. Other non-breakaway devices should be located outside the prescribed clear zone or these devices should be protected with barrier.</p> <p>² Average ADT over project life, i.e., 0.5 (present ADT plus future ADT). Use total ADT on two-way roadways and directional ADT on one-way roadways.</p> <p>³ Without barrier or other safety treatment of appurtenances.</p> <p>⁴ Measured from edge of travel lane for all cut sections and for all fill sections where side slopes are 1V:4H or flatter. Where fill slopes are steeper than 1V:4H it is desirable to provide a 10 ft area free of obstacles beyond the toe of slope.</p> <p>⁵ Desirable, rather than minimum, values should be used where feasible.</p> <p>⁶ Purchase of 5 ft or less of additional right-of-way strictly for satisfying clear zone provisions is not required.</p>

The clear zone values shown in Table 2-12 are measured from the edge of travel lane. These are appropriate design values for all cut sections (see Drainage Facility Placement), for cross sectional design of ditches within the clear zone area) and for all fill sections with side slopes 1V:4H or flatter. It should be noted that, while a 1V:4H slope is acceptable, that a 1V:6H or flatter slope is preferred for both errant vehicle performance and slope maintainability. It is therefore preferable to provide an obstacle-free area of 10 ft [3.0m] beyond the toe of steep side slopes even when this area is outside the clear zone.

may be acceptable on some low volume rural highways. Also adjustments for grade are given in Table 3-14.

Table 3-13: Lengths of Median Turn Lanes Multilane Rural Highways

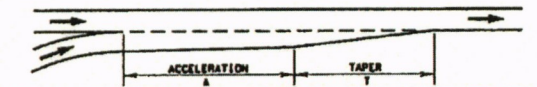
(US Customary)					
Mainlane Design Speed (mph)	Taper Length (ft) ¹	Deceleration Length (ft) ²	-	Design Turning ADT (vpd)	Minimum Storage Length (ft)
30	50	160	-	150	50
35	50	215	-	300	100
40	50	275	-	500	175
45	100	345	-	750	250
50	100	425	-	--	--
55	100	510	-	--	--
60	150	615	-	--	--
65	150	715	-	--	--
70	150	830	-	--	--
75	150	950	-	--	--
80	150	1075	-	--	--

(Metric)					
Mainlane Design Speed (km/h)	Taper Length (m) ¹	Deceleration Length (m) ²	-	Design Turning ADT (vpd)	Minimum Storage Length (m)
50	15	50	-	150	15
60	15	65	-	300	30
70	30	85	-	500	50
80	30	105	-	750	75
90	30	130	-	-	-
100	45	200	-	-	-
110	45	240	-	-	-
120	45	290	-	-	-
130	45	330	-	-	-

¹ For low volume median openings, such as those serving private drives or U-turns, a taper length of 100 ft (30 m) may be used regardless of mainlane design speed.
² Deceleration length assumes that moderate deceleration will occur in the through traffic lane and the vehicle entering the left-turn lane will clear the through traffic lane at a speed of 10 mph (15 km/h) slower than through traffic. Where providing this deceleration length is impractical, it may be acceptable to allow turning vehicles to decelerate more than 10 mph (15km/h) before clearing the through traffic lane.

Right Turn Deceleration Lane. Right (12 ft [3.6 m] lane with 4 ft [1.2 m] adjacent shoulders) turn lanes provide deceleration or acceleration area for right-turning vehicles. The deceleration length and taper lengths for right turn lanes are the same as for left-turn lanes (See Table 3-13). Adjustment factors for grade effects are shown in Table 3-14.

Acceleration Lanes. Acceleration lanes for right-turning and/or left-turning vehicles may be desirable on multi-lane rural highways. Acceleration distances and taper lengths are provided in Figure 3-10. Adjustments for grade are given in Table 3-14.



HIGHWAY DESIGN SPEED (mph)	MINIMUM LENGTH OF TAPER T (ft)	ACCELERATION LENGTH, A (ft) FOR ENTRANCE CURVE DESIGN SPEED (mph)									
		AND INITIAL SPEED (mph)									
		STOP CONDITION	15	20	25	30	35	40	45	50	
		0	14	18	22	26	30	36	40	44	
30	150	180	140	-	-	-	-	-	-	-	
35	165	280	220	160	-	-	-	-	-	-	
40	180	360	300	270	210	120	-	-	-	-	
45	200	560	490	440	380	280	160	-	-	-	
50	230	720	660	610	550	450	350	130	-	-	
55	250	960	900	810	780	670	550	320	150	-	
60	265	1200	1140	1100	1020	910	800	550	420	180	
65	285	1410	1350	1310	1220	1120	1000	770	600	370	
70	300	1620	1560	1520	1420	1350	1230	1000	820	580	
75	330	1790	1730	1630	1580	1510	1420	1160	1040	780	

Notes: Uniform 50:1 to 70:1 tapers are recommended where lengths of acceleration lanes exceed 1,300 ft.

LENGTHS OF RIGHT-TURN ACCELERATION LANES (US CUSTOMARY)

Figure 3-10. (US). Lengths of Right-Turn Acceleration Lanes.

Section 2 — Design Exceptions, Design Waivers, Design Variances, and Texas Highway Freight Network (THFN) Design Deviations Overview This subsection discusses the following topics: ♦ Design Exceptions ♦ Design Waivers, and ♦ Design Variances ♦ Texas Highway Freight Network (THFN) Design Deviations

Design Exceptions A design exception is required whenever the controlling criteria specified for the different categories of construction projects (i.e., 4R, 3R, 2R, Special Facilities, Off-System Historically Significant Bridge Projects, Park Road Projects, and on-street Bicycle Facilities) are not met.

Approval of a design exception rests with the TxDOT District, unless the project is subject to federal oversight or review. A design exception is not required when values exceed the minimum guidelines for the controlling criteria.

All design exceptions must be signed by the TxDOT District Engineer and this signature authority cannot be delegated. Design exceptions must be documented on the Form 1002.

New Location and Reconstruction Projects (4R). The list below gives the controlling criteria for 4R projects that will require a design exception. ♦ Design Speed ♦ Lane Width ♦ Shoulder Width ♦ Horizontal Curve Radius ♦ Superelevation (Rate only) ♦ Stopping Sight Distance (SSD) [see Note below] ♦ Maximum Grade ♦ Cross Slope ♦ Vertical Clearance ♦ Design Loading Structural Capacity

Design Waivers When the criterion is not met in a non-controlling category, a design exception is not required. However, a departure from the minimum criteria will be handled by design waivers at the district level. Design waivers will be granted as the district authorizes. The complete documentation should be retained permanently in the district project. The non-controlling criteria for the following project categories will require a design waiver.

New Location and Reconstruction Projects (4R). ♦ Curb Parking Lane Width ♦ Speed Change (refuge) Lane Width ♦ Length of Speed Change Lanes ♦ Curb Offset ♦ Bridge Width (See Bridge Project Development Manual), Ch. 3- Sec. 1 ♦ Median Opening Width ♦ Clear Zone ♦ Lateral Offset to Obstructions ♦ Railroad Overpass Geometrics ♦ Sag Vertical Curve Length [See Note below] ♦ Superelevation (Non-rate elements) ♦ Guardrail Length (unless for access accommodation; see Appendix A, Metal Beam Guardrails). ♦ Shared Use Paths (if this is the chosen Bicycle/Ped facility)

Section 2 — Traffic Characteristics Overview Information on traffic characteristics is vital in selecting the appropriate geometric features of a roadway. Necessary traffic data includes traffic volume, traffic speed, and percentage of trucks or other large vehicles.

Traffic Volume Traffic volume is an important basis for determining what improvements, if any, are required on a highway or street facility. Traffic volumes may be expressed in terms of average daily traffic or design hourly volumes. These volumes may be used to calculate the service flow rate, which is typically used for evaluations of geometric design alternatives.

Average Daily Traffic. Average daily traffic (ADT) represents the total traffic for a year divided by 365, or the average traffic volume per day. Due to seasonal, weekly, daily, or hourly variations, ADT is generally undesirable as a basis for design, particularly for high-volume facilities. ADT should only be used as a design basis for low and moderate volume facilities, where more than two lanes unquestionably are not justified.

Design Hourly Volume. The design hourly volume (DHV) is usually the 30th highest hourly volume for the design year, commonly 20 years from the time of construction completion. For situations involving high seasonal fluctuations in ADT, some adjustment of DHV may be appropriate. For two-lane rural highways, the DHV is the total traffic in both directions of travel. On highways with more than two lanes (or on two-lane roads where important intersections are encountered or where additional lanes are to be provided later), knowledge of the directional distribution of traffic during the design hour (DDHV) is essential for design. DHV and DDHV may be determined by the application of conversion factors to ADT.

Computation of DHV and DDHV. The percent of ADT occurring in the design hour (K) may be used to convert ADT to DHV as follows: $DHV = (ADT)(K)$ The percentage of the design hourly volume that is in the predominant direction of travel (D) and K are both considered in converting ADT to DDHV as shown in the following equation:

$$DDHV = (ADT)(K)(D)$$

Directional Distribution (D). Traffic tends to be more equally divided by direction near the center of an urban area or on loop facilities. For other facilities, D factors of 60 to 70 percent frequently occur.

K Factors. K is the percentage of ADT representing the 30th highest hourly volume in the design year. For typical main rural highways, K-factors generally range from 12 to 18 percent. For urban facilities, K factors are typically somewhat lower, ranging from 8 to 12 percent.

Projected Traffic Volumes. Projected traffic volumes are provided by the Transportation Planning and Programming (TPP) Division upon request and serve as a basis for design of proposed improvements. For high-volume facilities, a tabulation showing traffic converted to DHV or DDHV will be provided by TPP if specifically requested. Generally, however, projected traffic volume is expressed as ADT with K and D factors provided. NOTE: If the directional ADT is known for only one direction, total ADT may be computed by multiplying the directional ADT by two for most cases.

Speed Speed is one of the most important factors considered by travelers in selecting alternative routes or transportation modes. The speed of vehicles on a road depends, in addition to capabilities of the drivers and their vehicles, upon five general conditions: the physical characteristics of the roadway, the amount of roadside interference, the weather, the presence of other vehicles, and speed limitations (established either by law or by traffic control devices). Although any one of these factors may govern travel speed, the actual travel speed on a facility usually reflects a combination of these factors. The objective in design of any engineered facility used by the public is to satisfy the public's demand for service in an economical manner with efficient traffic operations and with low crash frequency and severity. The facility should, therefore, accommodate nearly all demands with reasonable adequacy and also should only fail under severe or extreme traffic demands. Because only a small percentage of drivers travel at extremely high speed, it is not economically practical to design for them. They can use the roadway, of course, but will be constrained to travel at speeds less than they consider desirable. On the other hand, the speed chosen for design should not be that used by drivers under unfavorable conditions, such as inclement weather, because the roadway would then be inefficient, might result in additional crashes under favorable conditions, and would not satisfy reasonable public expectations for the facility. There are important differences between design criteria applicable to low- and high-speed designs.

For design purposes, the following definitions apply:

- ◆ Low-speed is 45 mph [70 km/h] and below, and
- ◆ High-speed is 50 mph [80 km/h] and above.

Several tables and figures for high-speed conditions will show values for 45 mph [70 km/h] to provide information for transitional roadway sections.

Design Speed. Design speed is a selected speed used to determine the various geometric design features of the roadway. The selected design speed should be a logical one with respect to the anticipated operating speed, topography, the adjacent land use, modal mix, and the functional classification of the roadway. In selection of design speed, every effort should be made to attain a desired combination of safety, mobility, and efficiency within the constraints of environmental quality, economics, aesthetics, and social or political impacts. The selected design speed should be consistent with the speeds that drivers are likely to travel on a given roadway. A roadway of higher functional classification may justify a higher design speed than a lesser classified facility in similar topography. A low design speed, however, should not be selected where the topography is such that drivers are likely to travel at high speeds.

Selection of design speed for a given functionally classified roadway is influenced primarily by the character of terrain, economic considerations, extent of roadside development (i.e., urban or rural), and highway type. For example, the design speed chosen would usually be less for rough terrain, or for an urban facility with frequent points of access, as opposed to a rural highway on level terrain. Choice should be influenced by the expectations of drivers, which are closely related to traffic volume conditions, potential traffic conflicts, and topographic features. Appropriate design speed values for the various highway classes are presented in subsequent sections.

Operating Speed. Operating speed is the speed at which drivers are observed operating their vehicles during free-flow conditions. The 85th percentile of the distribution of observed speeds is the most frequently used measure of the operating speed associated with a particular location or geometric feature. The following geometric design and traffic demand features may have direct impacts on operating speed: horizontal curve radius, grade, access density, median treatments, on-street parking, signal density, vehicular traffic volume, and pedestrian and bicycle activity.

Posted Speed. Posted speed refers to the maximum speed limit posted on a section of highway. TxDOT's *Procedure for Establishing Speed Zones Manual* states that the posted speed should be based primarily upon the 85th percentile speed when adequate speed samples can be secured. Speed zoning guidelines permit consideration of other factors such as roadside development, road and shoulder surface characteristics, public input, and pedestrian and bicycle activity.

Intersection Sight Distance The operator of a vehicle approaching an intersection should have an unobstructed view of the entire intersection and an adequate view of the intersecting highway to permit control of the vehicle to avoid a collision. When designing an intersection, the following factors should be taken into consideration: ♦ Adequate sight distance should be provided along both highway approaches and across corners. ♦ Gradients of intersecting highways should be as flat as practical on sections that are to be used for storage of stopped vehicles. ♦ Combination of vertical and horizontal curvature should allow adequate sight distance of the intersection. ♦ Traffic lanes and marked pedestrian crosswalks should be clearly visible at all times. ♦ Lane markings and signs should be clearly visible and understandable from a desired distance. ♦ Intersections should eliminate, relocate or modify conflict points to the extent allowable in order to improve safety. ♦ Intersections should be evaluated for the effects of barriers, rails, and retaining walls on sight distance.

For selecting intersection sight distance, refer to AASHTO's *A Policy on Geometric Design for Highways and Streets*. Sight distance criteria are provided for the following types of intersection controls: ♦ Intersections with no control ♦ Intersections with stop control on the minor road ♦ Intersections with yield control on the minor road ♦ Intersections with traffic signal control ♦ Intersections with all-way stop control ♦ Left turns from the major road.

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High severity injuries and fatalities are a result of cross median crashes on high speed roadways. All median related incidents begin with median encroachment. Reducing median encroachment reduces cross median crashes and fixed object crashes in the median. Median encroachment countermeasures should be considered where appropriate. The following guidelines below are for reducing the frequency and severity of median related crashes on divided highways:

Design Guidance to Reduce Consequences of Median Encroachments ♦ Minimize potential for collision with fixed objects: Relocate or remove fixed objects in median ♦ Reduce consequences of collision with fixed objects:

Provide barrier to shield objects in median ♦ Reduce likelihood of cross-median collisions:

- Provide wider median
- Provide continuous median barrier
- ♦ Reduce likelihood of vehicle overturning:
 - Flatten median slopes
 - Provide U-shaped (rather than V-shaped) median cross section
- ▮ Provide barrier to shield steep slopes
- ▮ Improve design of geometric elements:
 - ▮ Provide wider median slopes
 - ▮ Minimize sharp curves with radii less than 3,000 ft
 - ▮ Minimize steep grades of 4% or more
 - ▮ Improve design of mainline ramp terminals:
 - ▮ Increase separation between on-ramps and off-ramps
 - ▮ Minimize left-hand exits
 - ▮ Improve design of merge and diverge areas by lengthening speed-change lanes
 - ▮ Simplify design of weaving areas
 - ▮ Increase decision sight-distance to on-ramps

Countermeasures to Reduce Likelihood of Median Encroachments ▮ Reduce driver inattention: Provide edgeline or shoulder rumble strips ▮ Decrease side friction demand: Improve/restore superelevation at horizontal curves ▮ Increase pavement friction: Provide high-friction pavement surfaces ▮ Reduce high driver workload: ▮ Improve visibility and provide better advance warning for on-ramps ▮ Improve visibility and provide better advance warning for curves and grades ▮ Improve delineation ▮ Encourage drivers to reduce speeds: Provide transverse pavement markings ▮ Minimize weather-related crashes: ▮ Provide weather-activated speed signs ▮ Provide static signs warning of weather conditions (eg., bridge freezes before road surface) ▮ Apply sand or other materials to improve road surface friction ▮ Apply chemical de-icing or anti-icing as a location-specific treatment ▮ Improve winter maintenance response times ▮ Raise the state of preparedness for winter maintenance

Shoulder Widths Wide, surfaced shoulders provide a suitable, all-weather area for stopped vehicles to be clear of the travel lanes. Shoulders are of considerable value on high-speed facilities such as freeways and rural highways. Shoulders, in addition to serving as emergency parking areas, lend lateral support to travel lane pavement structure, provide a maneuvering area, increase sight distance of horizontal curves, and give drivers a sense of safe, open roadway. Design values for shoulder widths for the various classes of highways are shown in the appropriate subsequent portions of this manual.

Shoulder widths on bridge structures are measured from the nominal face of rail to the edge of traveled way. For additional guidance in reference to current standard bridge railings in Texas, reference the *TxDOT Bridge Railing Manual*, Appendix-A and the applicable Bridge Railing Standard.

Shoulder widths should accommodate bicyclists where a designated bicycle lane or shared use path is not provided. When 4 ft or narrower shoulders are typical for a roadway, urban or rural, provide, a 5 ft minimum clear space (measured from edge of travel lane to toe of bridge rail) on bridges being replaced or rehabilitated. On divided highways, this guidance only applies to the outside shoulder. Exceptions to the 5 ft clear space are permitted for off-system facilities with less than 400 ADT.

Sidewalks and Pedestrian Elements Walking is an important transportation mode that needs to be incorporated in transportation projects. Planning for pedestrian facilities should occur early and continuously throughout project development. Sidewalks provide distinct separation of pedestrians and vehicles, serving to increase pedestrian safety as well as to enhance vehicular capacity. Sidewalks should be included on a project located in an urban setting where: ♦ Construction is within existing right-of-way, and the scope of work involves pavement widening; OR ♦ Full reconstruction or new construction that requires new right-of-way. In typical suburban development, there may initially be relatively few pedestrian trips because there are few closely located pedestrian destinations. However, as development occurs and pedestrian demand increases, it is always difficult and more costly to retro-fit pedestrian facilities if they were not considered in the initial design. Early consideration of pedestrian facility design during the project development process may also greatly simplify compliance with accessibility requirements established by the *Americans with Disabilities Act (ADA) Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way (PROWAG)* and the *Texas Accessibility Standards (TAS)*. Meeting requirements of PROWAG will meet or exceed TAS requirements. Specific design requirements to accommodate the needs of persons with disabilities are established by the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), the Texas Accessibility Standards (TAS), and related rulemaking. A request for a design variance for any deviations from TAS requirements must be submitted to the Texas Department of Licensing and Regulation (TDLR) for approval.

Sidewalk Location. For pedestrian comfort, especially adjacent to high speed traffic, it is desirable to provide a buffer space between the traveled way and the sidewalk as shown in Figure 2-8(A). For curb and gutter sections, a buffer space of 4 ft to 6 ft [1.2m to 1.8m] between the back of the curb and the sidewalk is desirable. Roadways in urban and suburban areas without curb and gutter require sidewalks, which should be placed between the ditch and the right of way line if practical. Note that pedestrian street crossings must be ADA compliant.

Sidewalk Width. Sidewalks should be wide enough to accommodate the volume and type of pedestrian traffic expected in the area. The minimum clear sidewalk width is 5 ft [1525 mm]. Where a sidewalk is placed immediately adjacent to the curb as shown in Figure 2-8(B), a sidewalk width of

6 ft [1830 mm] is recommended to allow additional space for street and highway hardware and allow for the proximity of moving traffic. Sidewalk widths of 8 ft [2440 mm] or more may be appropriate in commercial areas, along school routes, and other areas with concentrated pedestrian traffic.

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Roadside Design Of particular concern to the design engineer is the number of single-vehicle, run-off-the-road accidents which occur even on the safest facilities. About one-third of all highway fatalities are associated with crashes of this nature.

The configuration and condition of the roadside greatly affect the extent of damages and injuries for these crashes. Increased safety may be realized through application of the following principles, particularly on high-speed facilities: ♦ A "forgiving" roadside should be provided, free of unyielding obstacles including landscaping, drainage facilities that create obstacles, steep slopes, utility poles, etc.

For adequate safety, it is desirable to provide an unencumbered roadside recovery area that is as wide as practicable for the specific highway and traffic conditions.

♦ For existing highways, treatment of obstacles should be considered in the following order:

- Remove the obstacle.
- Redesign the obstacle so that it can be safely traversed.
- Relocate the obstacle to a point where it is less likely to be struck.
- Make the obstacle breakaway.
- Apply a cost-effective device to provide for redirection (longitudinal barrier) or severity reduction (impact attenuators). Barrier should only be used if the barrier is less of an obstacle than the obstacle it would protect, or if the cost of otherwise safely treating the obstacle is prohibitive.
- Delineate the obstacle.

♦ Use of higher than minimum design standards result in a driver environment which is fundamentally safer because it is more likely to compensate for driver errors. Frequently, a design, including sight distances greater than minimum, flattened slopes, etc., costs little more over the life of a project and increases safety and usefulness substantially. ♦ For improved safety performance, highway geometry and traffic control devices should merely confirm drivers' expectations.

Unexpected situations, such as left side ramps on freeways, sharp horizontal curvature introduced within a series of flat curves, etc., have demonstrated adverse effects on traffic operations. These principles have been incorporated as appropriate into the design guidelines included herein. These principles should be examined for their applicability at an individual site based on its particular circumstances, including the aspects of social impact, environmental impact, economy, and safety.

Lateral Offset to Obstructions It is generally desirable that there be uniform clearance between traffic and roadside features such as bridge railings, parapets, retaining walls, and roadside barriers. In an urban environment, right of way is often limited and is characterized by sidewalks, enclosed drainage, numerous fixed objects (e.g., signs, utility poles, luminaire supports, fire hydrants, sidewalk furniture, etc.), and traffic making frequent stops. Uniform alignment enhances highway safety by providing the driver with a certain level of expectation, thus reducing driver concern for and reaction to those objects.

The distance from the edge of the traveled way, beyond which a roadside object will not be perceived as an obstacle and result in a motorist's reducing speed or changing vehicle position on the roadway, is called the lateral offset.

This lateral offset to obstructions helps to: ♦ Avoid impacts on vehicle lane position and encroachments into opposing or adjacent lanes, ♦ Improve driveway and horizontal sight distances, ♦ Reduce the travel lane encroachments from occasional parked and disabled vehicles, ♦ Improve travel lane capacity, and ♦ Minimize contact from vehicle mounted intrusions (e.g., large mirrors, car doors, and the over-hang of turning trucks).

As a minimum, as long as the obstruction is located beyond the recommended paved shoulder of a roadway, it will have minimum impact on driver speed or lane position and meet the lateral offset requirement. Where a curb is present, the lateral offset is measured from the face of curb and shall be a minimum of 1.5 ft [0.5 m]. A minimum of 1 ft [0.3 m] lateral offset should be provided from the toe of barrier to the edge of traveled way.

Clear Zone

A clear recovery area, or clear zone, should be provided along highways, as shown in Table 2-12. A clear zone is the unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes. Such a recovery area should be clear of unyielding objects where practical or shielded by crash cushions or barrier.

**Table 2-12:
Clear Zones**

Location	Functional Classification	Design Speed (mph)	Avg. Daily Traffic	Clear Zone Width (ft) ^{3,4,5}	
				Minimum	Desirable
-	-	-	-	Minimum	Desirable
Rural	Freeways	All	All	30 (16 for ramps)	
Rural	Arterial	All	0 - 750	16	30
			750 - 1500	30	--
			>1500	30	--
Rural	Collector	≥ 50	All	Use above rural arterial criteria.	
Rural	Collector	≤ 45	All	10	--
Rural	Local	All	All	10	--
Suburban	All	All	<8,000	10 ⁶	10 ⁶
Suburban	All	All	8,000 - 12,000	10 ⁶	20 ⁶
Suburban	All	All	12,000 - 16,000	10 ⁶	25 ⁶
Suburban	All	All	>16,000	20 ⁶	30 ⁶
Urban	Freeways	All	All	30 (16 for ramps)	
Urban	All (Curbed)	≥ 50	All	Use above suburban criteria insofar as available border width permits.	
Urban	All (Curbed)	≤ 45	All	4 from curb face	6
Urban	All (Uncurbed)	≥ 50	All	Use above suburban criteria.	
Urban	All (Uncurbed)	≤ 45	All	10	--