



# STAFF REPORT

**MEETING DATE:** February 13, 2024

**TITLE:**

Consider Action to approve the first reading of Ordinance No. 2024-04 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 12 Titled "Traffic and Vehicles," Article 12.05 Titled "Speed Limits," adding Section 12.05.011 titled "FM 969 speed limits." Zoning for traffic and rate of speed therein, on FM 969 in the city limits of the City of Bastrop; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; repealing all prior ordinances that are in conflict herewith; and providing for findings of fact, enactment, codification, effective date, repealer, severability, proper notice and meeting as shown in Exhibit A, and move to include on the February 27, 2024 Consent Agenda for the second reading.

**AGENDA ITEM SUBMITTED BY:**

Kennedy Higgins, Senior Planner

**BACKGROUND/HISTORY:**

On April 11<sup>th</sup>, 2023, TX DOT conducted an engineering and traffic investigation regarding the speed and number of vehicles that utilized FM 969. The recommendation from TxDot was to lower the speed limit from 65 miles per hour, to 60 miles per hour.

**POLICY EXPLANATION:**

**Texas Transportation Code**

Chapter 545, Subchapter H. Speed Restrictions, Section 545.356 Authority Of Municipality To Alter Speed Limits and section 545.351 (a) Maximum Speed Requirement

Sec. 545.356. AUTHORITY OF MUNICIPALITY TO ALTER SPEED LIMITS. (a) The governing body of a municipality, for a highway or part of a highway in the municipality, including a highway of the state highway system, has the same authority to alter by ordinance prima facie speed limits from the results of an engineering and traffic investigation as the Texas Transportation Commission on an officially designated or marked highway of the state highway system. The governing body of a municipality may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 75 miles per hour.

(b) The governing body of a municipality, for a highway or part of a highway in the municipality, including a highway of the state highway system, has the same authority to alter prima facie speed limits from the results of an engineering and traffic investigation as the commission for an officially designated or marked highway of the state highway system, when the highway or part of the highway is under repair, construction, or maintenance. A municipality may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 75 miles per hour.

Sec. 545.351. MAXIMUM SPEED REQUIREMENT. (a) An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing.

**Bastrop Code of Ordinances**

Chapter 12, article 12.05 – Speed Limits, section 12.05.003 Specific speed limits

Sec. 12.05.003 - Specific speed limits.

When signs are erected giving notice thereof, no person shall operate a vehicle on any road or highway within the city at a speed greater than that indicated in the schedule as maintained on file in the office of the City Secretary.

**RECOMMENDATION:**

Consider Action to approve the first reading of Ordinance No. 2024-04 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, related to Chapter 12 Titled "Traffic and Vehicles," Article 12.05 Titled "Speed Limits," adding Section 12.05.011 titled "FM 969 speed limits." Zoning for traffic and rate of speed therein, on FM 969 in the city limits of the City of Bastrop; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; repealing all prior ordinances that are in conflict herewith; and providing for findings of fact, enactment, codification, effective date, repealer, severability, proper notice and meeting as shown in Exhibit A, and move to include on the February 27, 2024 Consent Agenda for the second reading.

**ATTACHMENTS:**

- Attachment 1 - Exhibit A – Ordinance No. 2024-04

