



City of Grand Island

Tuesday, February 08, 2011

Council Session

Item F2

#9289 - Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Staff Contact: Gary R. Mader, Interim Public Works Director

Council Agenda Memo

From: Gary R. Mader, Interim Public Works Director

Meeting: February 8, 2011

Subject: Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Item #'s: F-2

Presenter(s): Gary R. Mader, Interim Public Works Director

Background

The Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for work zone traffic control. Part 6 of the MUTCD provides guidance for the proper installation and maintenance of Temporary Traffic Control (TTC) in zones for construction, maintenance, utility and incident activities.

The primary benefit of uniformity and compliance with MUTCD standards for TTC is safety; both for workers within the TTC zone and for road users traveling through or around TTC zones. A properly designed and installed TTC plan has four components; Advance Warning Area (warn of upcoming activity), Transition Area (redirection from the normal driving path), Activity Area (where the activity is taking place) and Termination Area (return road user to the normal driving path).

Paragraph 10 of Section 6A.01 of the MUTCD states: "TTC plans and devices shall be the responsibility of the authority of a public body or official having jurisdiction for guiding road users. There shall be adequate statutory authority for the implementation and enforcement of needed road user regulations, parking controls, speed zoning, and the management of traffic incidents. Such statutes shall provide sufficient flexibility in the application of TTC to meet the needs of changing conditions in the TTC zone."

One of the key messages on the Federal Highway Administration's (FHWA) MUTCD Knowledge Overview website (<http://mutcd.fhwa.dot.gov/kno-overview.htm>) is "Non-compliance of the MUTCD ultimately can result in loss of federal-aid funds as well as significant increase in tort liability." The City has received a formal written notification from FHWA confirming the penalties for non-compliance.

Discussion

Requiring contractors, utility companies, or any other person, firm or corporation performing work within the right of way to comply with the standards of the MUTCD will improve safety for motorists and workers. The ability of City officials to withhold approval of permits for working within the right of way unless evidence that TTC will be properly installed and maintained will prompt companies and individuals to initiate efforts to understand and comply with the standards described in Chapter 6 of the MUTCD TTC standards.

By providing authority to the Public Works Director or their representative to direct corrective actions for non-compliant TTC, enforcing the standards of Chapter 6 of the MUTCD can be achieved. The authority to direct corrective actions is imperative for public safety.

This proposed code includes a requirement for providing contact information of the individuals responsible for installing and maintaining the TTC. This will simplify occurrences when city officials (including law enforcement) are requested to address non-compliant TTC.

This proposed code requires inspection of TTC when work zones are left in place for an extended period of time. This will obligate the individuals responsible for installing the TTC to ensure devices that have been damaged or moved will be replaced or corrected within a reasonable time.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

Public Works Administration recommends that the Council approve the change to Chapter 32 of the City Code.

Sample Motion

Move to approve the ordinance revising Section 32-31 of the Grand Island City Code.

§32-31. Barricades Temporary Traffic Control

~~Any person making excavations in any street, alley or other public grounds in the City shall, at all times after such work is commenced and up to its completion and acceptance by the public works director, maintain proper barricades for the protection of the traveling public.~~
~~Amended by Ord. No. 9205, effective 02/25/09~~

Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for work zone traffic control. The current version shall be followed.

Any contractor, utility company, or any other person, firm or corporation performing work within the right of way of any public street, public way, or alley in the City of Grand Island shall install and maintain Temporary Traffic Control (TTC) in accordance with the standards of the MUTCD.

Approval of permits to work within public right of way may be contingent upon evidence of capability to provide, install and maintain TTC devices in accordance with the MUTCD and these provisions.

The Director of Public Works or their representative shall have the authority to direct corrective actions for TTC not in compliance with the MUTCD and these provisions. These actions include suspending operations and requiring removal of all equipment and materials from the right of way.

If the TTC is left in place longer than 4 hours and no personnel are on the site, the individual responsible for installing the TTC shall provide telephone numbers of personnel who will be available on 24 hours per day, seven days per week basis to the Director of Public Works. These people shall be responsible for repair, correction, replacement and maintenance of the traffic control devices. These people shall perform inspections of the TTC at the site twice during the day and once during the night every 24 hours until the work is completed and the right of way is cleared.

ORDINANCE NO. 9289

An ordinance to amend Chapter 32 of the Grand Island City Code; to repeal Section 32-31 pertaining to Barricades as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 32-31 of the Grand Island City Code is hereby amended to read as follows:

§32-31. Temporary Traffic Control

Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) is the national standard for work zone traffic control. The current version shall be followed.

Any contractor, utility company, or any other person, firm or corporation performing work within the right of way of any public street, public way, or alley in the City of Grand Island shall install and maintain Temporary Traffic Control (TTC) in accordance with the standards of the MUTCD.

Approval of permits to work within public right of way may be contingent upon evidence of capability to provide, install and maintain TTC devices in accordance with the MUTCD and these provisions.

The Director of Public Works or their representative shall have the authority to direct corrective actions for TTC not in compliance with the MUTCD and these provisions. These actions include suspending operations and requiring removal of all equipment and materials from the right of way.

If the TTC is left in place longer than 4 hours and no personnel are on the site, the individual responsible for installing the TTC shall provide telephone numbers of personnel who will be available on 24 hours per day, seven days per week basis to the Director of Public Works. These people shall be responsible for repair, correction, replacement and maintenance of the traffic control devices. These people shall perform inspections of the TTC at the site twice during the day and once during the night every 24 hours until the work is completed and the right of way is cleared.

SECTION 2. Section 32-31as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 9289 (Cont.)

Enacted: February 8, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk