

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 118, ARTICLE II, DIVISION 4. – TRUCK AND HAZARDOUS MATERIALS ROUTES, OF THE BRYAN CODE OF ORDINANCES BY REVISING THE TITLE OF DIVISION 4 TO HAZARDOUS TRUCK ROUTES, NO TRUCK ACCESS, NO PUBLIC TRANSIT VEHICLE ACCESS; ADDING SECTION 118-135. – NO TRUCK ACCESS AND SECTION 118-136. – NO PUBLIC TRANSIT VEHICLE ACCESS; REVISING THE DEFINITION OF TRUCK AND ADDING A DEFINITION OF PUBLIC TRANSIT VEHICLE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 118, “Traffic and Vehicles,” of the City of Bryan Code of Ordinances, which controls and regulates the movement of vehicles within the City of Bryan;

WHEREAS, the purpose of Chapter 118, Article II, Division 4 is to minimize wear and tear on city streets, to provide for the safety of motorists and residents and to reduce noise, vibration and other ill effects of large and heavy vehicles by directing such vehicles to streets where such negative impacts will be minimized;

WHEREAS, a need exists to prohibit the movement of trucks and public transit vehicles along certain public roadway segments within the city limits of Bryan in the interest of public safety, infrastructure, and the health and general welfare of the people of the City of Bryan;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

2.

That Division 4 – Trucks and Hazardous Materials Routes, of Article II. – Specific Street Regulations, of Bryan Code of Ordinances, Chapter 118, Traffic and Vehicles, is hereby amended to revise the division title to read as follows:

**DIVISION 4. - ~~TRUCK AND HAZARDOUS MATERIALS ROUTES~~
HAZARDOUS TRUCK ROUTES, NO TRUCK ACCESS, NO PUBLIC
TRANSIT VEHICLE ACCESS^[4]**

3.

That Section 118-127. – Definitions, of Bryan Code of Ordinances Chapter 118, Traffic and Vehicles, is hereby amended to revise the definition of “truck” and to add a definition for “public transit vehicle” to read as follows:

Sec. 118-127. – Definitions.

The following words, terms and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Hazardous material means any material defined as a "hazardous material" pursuant to federal or state laws or regulations.

Permitted oversize/overweight vehicle means a vehicle or its load that exceeds legal size or weight limits as defined by the Texas Department of Motor Vehicles and is required to have a permit issued by the Texas Department of Motor Vehicles to travel on Texas roads.

Requiring placards means that the materials to be transported are hazardous materials and are in sufficient quantity to require placards in accordance with federal laws or regulations.

Truck means any motor vehicle designed, used or maintained primarily for the transportation of property, equipment, animals, materials, liquids or other goods and having a manufacturer's gross vehicle weight rating exceeding 12,000 pounds. ~~For purposes of this section, truck includes buses or passenger vehicles designed to carry more than 15 passengers.~~

Public Transit Vehicle means any motor vehicle designed, used or maintained primarily for the transportation of 15 or more passengers.

Truck-tractor every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

4.

That Chapter 118, Traffic and Vehicles, of the Bryan Code of Ordinances is hereby amended by adding the following section:

Sec. 118-135. – No Truck Access

(a) It shall be unlawful for any person to drive or operate a truck upon any of the roadway segments listed below. The following streets within the city limits shall not be utilized by trucks and are designated as no truck access:

- (1) Suncrest Street from Beck Street to West 28th Street
- (2) Bittle Lane from Leonard Road/Groesbeck Street to Finfeather Road
- (3) West 14th Street from North Sims Avenue to North Parker Avenue
- (4) Colson Road from Clarks Lane to State Highway 6 Frontage
- (5) North Washington Avenue from North Texas Avenue to East 16th Street
- (6) East 15th Street from Texas Avenue to North Tabor Avenue
- (7) South Baker Avenue from East 29th Street to East 30th Street
- (8) East 30th Street from South Houston Avenue to South Hutchins Street

- (9) South Hutchins Street from East 29th Street to East 30th Street
- (10) Tee Drive from Wellborn Road to Green Street
- (11) July Street from East William Joel Bryan Parkway to Rose Street
- (12) North Rosemary Drive from South Texas Avenue to East 29th Street
- (13) Bruin Trace from Saunders Street to West Martin Luther King Jr Street

5.

That Chapter 118, Traffic and Vehicles, of the Bryan Code of Ordinances is hereby amended by adding the following section:

Sec. 118-136. – No Public Transit Vehicle Access

It shall be unlawful for any person to drive or operate a public transit vehicle upon any of the roadway segments listed below. The following streets within the city limits shall not be utilized by public transit vehicles and are designated as no public transit vehicle access:

- (1) Any roadway that dead ends or has no outlet. This includes streets with culs-de sac or hammerhead turnarounds.
- (2) Main Street from West 28th Street to Martin Luther King Jr Street
- (3) Holick Lane from Sulphur Springs Road to East North Avenue
- (4) North Rosemary Drive from South Texas Avenue to East 29th Street
- (5) Esther Boulevard from Twin Boulevard to East 29th Street
- (6) Carter Creek Parkway from East 29th Street to Coulter Drive
- (7) College View Drive from South Texas Avenue to South College Avenue

6.

That this ordinance shall be cumulative of all provisions of ordinances of the City of Bryan, except where the provisions of this ordinance are in direct conflict therewith, in which case the prior ordinance or parts thereof are hereby repealed to the extent of the conflict.

7.

That all rights or remedies of the City of Bryan, Texas are expressly saved as to any and all violations of the provisions of Chapter 118 of the City Code and of any other ordinances affecting motor vehicles and traffic which have accrued at the time of the effective date of this ordinance; and, as to all such accrued violations, and all pending litigation, both civil or criminal, whether pending in court or not, under such chapter and/or other ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

8.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence,

paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph or section.

9.

That it is the intention for the City Council that this ordinance shall become a part of the Bryan City Code of Ordinances and it may be renumbered and codified therein accordingly.

10.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for a violation thereof, and the effective date of the ordinance.

11.

A violation of this ordinance shall be a misdemeanor punishable by a fine as established by Title 7 of the Texas Transportation Code, which is an amount not less than \$1 and not more than \$200 or as may be amended.

12.

That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Chapter 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

13.

This ordinance shall go into effect immediately after its first and only reading, publication in a newspaper of general circulation.

PASSED, ADOPTED AND APPROVED the 13th day of June 2023, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ___ yeses and ___ noes.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney