

<b>REGULAR AGENDA</b>
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**AGENDA ITEM 10**

Discuss and consider approving preliminary plat for Teravista Amenity Facilities in Precinct 1.

Moved: **Judge Doerfler**

Seconded: **Commissioner Boatright**

Motion: To approve the preliminary plat for Teravista Amenity Facilities in Precinct 1.

Vote: **4 - 0** with Commissioner Heiligenstein absent from the meeting.

**AGENDA ITEM 11**

Discuss and consider approving the temporary road closure of Tanglebriar Trail from El Salido Parkway to Quarter Horse Trail for utility construction from December 17, 2001 to December 21,2001.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Limmer**

Motion: To approve the temporary road closure of Tanglebriar Trail from El Salido Parkway to Quarter Horse Trail for utility construction from December 17, 2001 to December 21,2001.

Vote: **4 - 0** with Commissioner Heiligenstein absent from the meeting.

**AGENDA ITEM 12**

Discuss and consider approving a road closure for CR 451.

Moved: **Commissioner Limmer**

Seconded: **Commissioner Hays**

Motion: To approve a road closure for CR 451, while replacing the bridge with culverts.

Vote: **4 - 0** with Commissioner Heiligenstein absent from the meeting.

**AGENDA ITEM 13**

Discuss and consider approving a load limit on CR 415 bridge.

Moved: **Commissioner Limmer**

Seconded: **Judge Doerfler**

Motion: To approve a load limit of 12,500 lbs. on the CR 415 bridge in accordance with Section 251.159 of the Transportation Code.

Vote: **3 - 0** with Commissioner Hays absent from the dais and with Commissioner Heiligenstein absent from the meeting.

< Attachment >

**SUBCHAPTER E. COUNTY TRAFFIC REGULATIONS****§ 251.151. Authority of Commissioners Court**

The commissioners court of a county may regulate traffic on a county road or on real property owned by the county that is under the jurisdiction of the commissioners court.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

**§ 251.152. Public Hearing Required**

(a) Except as provided by Section 251.159, before the commissioners court may issue a traffic regulation under this subchapter, the commissioners court must hold a public hearing on the proposed regulation.

(b) The commissioners court shall publish notice of the hearing in a newspaper of general circulation in the county. The notice must be published not later than the seventh or earlier than the 30th day before the date of the hearing.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

**§ 251.153. Load Limits on County Roads and Bridges**

(a) The commissioners court of a county may establish load limits for any county road or bridge.

(b) The commissioners court may authorize a county traffic officer, sheriff, deputy sheriff, constable, or deputy constable to weigh a vehicle to ascertain whether the vehicle's load exceeds the limit prescribed by the commissioners court.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

**§ 251.154. Maximum Reasonable and Prudent Speeds on County Roads**

(a) The commissioners court of a county, by order entered on the minutes of the court, may determine and set a maximum reasonable and prudent speed for a vehicle travelling on any segment of a county road, including a road or highway intersection, railroad grade crossing, curve, or hill.

(b) In determining the maximum reasonable and prudent speed, the commissioners court shall consider all circumstances on the affected segment of the road, including the width and condition of the road surface and the usual traffic on the road.

(c) The maximum reasonable and prudent speed set by the commissioners court under this section may be lower than the maximum speed set by law for a vehicle travelling on a public highway.

(d) A speed limit set by the commissioners court under this section is effective when appropriate signs giving notice of the speed limit are installed on the affected segment of the county road.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

**§ 251.155. Restricted Traffic Zones**

(a) The commissioners court of a county may adopt regulations establishing a system of traffic control devices in restricted traffic zones on property described by Section 251.151.

(b) A system of traffic control devices adopted under this section must conform to the manual and specifications of the Texas Department of Transportation.

(c) The commissioners court by order entered on its minutes may install and maintain on property to which this section applies any traffic signal light, stop sign, or no-parking sign that the court considers necessary for public safety.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

**§ 251.156. Parking Restrictions**

The commissioners court of a county by order may have signs installed that prohibit or restrict the stopping, standing, or parking of a vehicle in a restricted traffic zone on property described by Section 251.151, if in the opinion of the court the stopping, standing, or parking:

(1) is dangerous to those using the road or property; or

(2) will unduly interfere with:

(A) the free movement of traffic; or

(B) the necessary control or use of the property.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

**§ 251.157. Prohibiting Use of Road**

(a) In this section, "road supervisor" means a person authorized to supervise roads in a county or in a district or precinct of a county.

(b) A road supervisor may prohibit the use of a road or a section of a road under the supervisor's control by any vehicle that will unduly damage the road when:

(1) because of wet weather or recent construction or repairs, the road cannot be safely used without probable serious damage to it; or

(2) a bridge or culvert on the road is unsafe.

(c) Before prohibiting the use of a road under this section, the road supervisor shall post notices that state the maximum load permitted and the time the use of the road is prohibited. The notices must be posted at locations that enable drivers to detour to avoid the restricted road.

(d) The road supervisor may not prohibit the use of a road under this section until a detour has

been provided.

(e) If the owner or operator of a vehicle that is prohibited from using a road under this section is aggrieved by the prohibition, the person may file with the county judge of the county in which the restricted road is located a written complaint that sets forth the nature of the grievance. On the filing of the complaint the county judge promptly shall set the issue for a hearing to be held not later than the third day after the date on which the complaint is filed. The county judge shall give to the road supervisor written notice of the date and purpose of each hearing.

(f) The county judge shall hear testimony offered by the parties. On conclusion of the hearing, the county judge shall sustain, revoke, or modify the road supervisor's decision on the restriction. The county judge's judgment is final as to the issues raised.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

#### **§ 251.158. Temporary Use of County Road for Festival or Civic Event**

(a) The commissioners court of a county by order may permit the temporary use of a county road located in an unincorporated area of the county for a civic event, including a festival.

(b) The court by order shall establish procedures for the temporary diversion of traffic from the road being used for the event.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

#### **§ 251.159. Delegation of Commissioners' Authority**

(a) This section applies only to a county with a population of more than 200,000.

(b) The commissioners court of a county may delegate to the county engineer or other county employee any function of the commissioners court under this subchapter, except as provided by Subsection (e). An action of the county engineer or other county employee under this section has the same effect as if the action were an action of the commissioners court.

(c) Before issuing a traffic regulation under this subchapter, the commissioners court, in lieu of publishing notice required by a law other than this subchapter, may give notice of the proposed regulation by posting a conspicuous sign in any location to be affected by the regulation.

(d) The commissioners court is not required to hold a public hearing on the proposed traffic regulation unless a resident of the county requests a public hearing. The request must be in writing and made before the eighth day after the later of:

(1) the date that the sign is posted; or

(2) the date that the notice under Section 251.152 is published.

(e) If a public hearing is requested, the commissioners court may not delegate the duty to hold the hearing.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

Amended by Acts 1999, 76th Leg., ch. 885, § 1, eff. June 18, 1999.

**§ 251.160. Liability of Owner or Operator for Road Damage**

(a) A person who operates or moves a vehicle or other object on a public road or bridge and the owner of the vehicle or other object are jointly and severally liable for damage sustained by the road or bridge as a result of the negligent operation or moving of the vehicle or other object or as a result of the operation or movement of the vehicle at a time prohibited by the officials with authority over the road.

(b) The county judge by appropriate legal action may recover damages for which liability is provided by this section. The county attorney shall represent the county in an action under this subsection. Damages collected under this subsection are for the use of the county to benefit the damaged road or bridge.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

**§ 251.161. Violations of Subchapter; Offense**

(a) A person commits a misdemeanor offense if the person:

(1) stops, stands, or parks a vehicle in violation of a restriction stated on a sign installed under Section 251.156;

(2) defaces, injures, knocks down, or removes a sign or traffic control device installed under an order of the commissioners court of a county issued under this subchapter;

(3) operates a motor vehicle in violation of an order of the commissioners court entered under this subchapter; or

(4) otherwise violates this subchapter.

(b) Except as provided by Subsections (c) and (d), an offense under this section is punishable by a fine not to exceed \$50.

(c) If it is shown on the trial of an offense under this section that the person has previously been convicted one time of the offense, the offense is punishable by a fine not to exceed \$200.

(d) If it is shown on the trial of an offense under this section that the person has previously been convicted two times of the offense, the offense is punishable by:

(1) a fine not to exceed \$500;

(2) confinement in the county jail for a term not to exceed 60 days; or

(3) both the fine and the confinement.

**AGENDA ITEM 14**

Consider approving changing Ranier Drive in Chandler Creek, Section 16, to Ranier Lane.

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To approve changing Ranier Drive in Chandler Creek, Section 16, to Ranier Lane.

Vote: 4 - 0 with Commissioner Heiligenstein absent from the meeting.

**AGENDA ITEM 15**

Authorize advertisement and set date for Public Hearing to set speed limit at 25mph on Old Mill Road between Kristen Lane and Little Elm Trail.

Commissioner Boatright requested that an agenda item be added to the next agenda to discuss permanent delegation of regulatory signage to the County Engineer as allowed in Section 251.159 of the Transportation Code.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Hays**

Motion: To authorize the County Engineer under Section 251.159 of the Transportation Code to post the regulatory signage requested under Agenda Items 15, 16, 17 and 19.

Vote: 4 - 0 with Commissioner Heiligenstein absent from the meeting.

**AGENDA ITEM 16**

Discuss and take appropriate action, which may include setting a public hearing regarding traffic safety issues on Little Elm Trail.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Hays**

Motion: To authorize the County Engineer under Section 251.159 of the Transportation Code to post the regulatory signage requested under Agenda Items 15, 16, 17 and 19.

Vote: 4 - 0 with Commissioner Heiligenstein absent from the meeting.

**AGENDA ITEM 17**

Consider authorizing advertising and setting date to hold a public hearing regarding three way stop at the intersection of Old Mill Road and Kristen Lane.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Hays**

Motion: To authorize the County Engineer under Section 251.159 of the Transportation Code to post the regulatory signage requested under Agenda Items 15, 16, 17 and 19.

Vote: 4 - 0 with Commissioner Heiligenstein absent from the meeting.

**AGENDA ITEM 18**

Hear report and approve receipt of Investment Committee Report.

County Treasurer Vivian Wood addressed the court concerning the Investment Committee Report and answered questions about county investments.

Moved: **Judge Doerfler**

Seconded: **Commissioner Boatright**

Motion: To approve receipt of the Investment Committee Report.

Vote: 4 - 0 with Commissioner Heiligenstein absent from the meeting.

< Attachment >