

Memorandum



DATE June 20, 2014

TO Honorable Members of the Public Safety Committee:
Sheffie Kadane (Chair), Adam Medrano (Vice Chair), Dwaine R. Caraway, Jennifer S. Gates, Sandy Greyson, Scott Griggs

SUBJECT **Proposed Amendment to Chapter 51A, Section 9.401 of Dallas City Code**

On Monday, June 23, 2014 the Committee will be briefed on the Potential Amendment to Chapter 51A, Section 9.401 of Dallas City Code. Briefing material is attached for your review.

Please let me know if you have any questions or need additional information.



Forest E. Turner
Assistant City Manager

[Attachment]

c: Honorable Mayor and Members of the Dallas City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, (I) First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, (I) Assistant City Manager
Theresa O'Donnell, (I) Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, (I) Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Department of Street Services

Proposed Amendment to Chapter 51A,
Section 9.401 of Dallas City Code

Purpose of Briefing

- ❑ The purpose of this briefing is to review a potential amendment to **Section 51A-9.401 of the Dallas City Code.**
- ❑ Section 51A-9.401 of the Dallas City Code requires that a petition for a four-way/all-way stop on a residential intersection should be supported by at least two-thirds of the owners or tenants residing within **900 feet** of the intersection at issue. The potential amendment proposes that the 900 feet requirement be reduced to **300 feet.**

Installation of Stop Signs

Four-way/All-way stops in the City of Dallas can be installed in two ways :

- ❑ Based on a Warrant Analysis
 - A Warrant Analysis is a technical study in which staff collects traffic data including traffic volumes, speed, accident history, sight distance, geometrics etc. which is analyzed to determine if a four-way/all-way stop control is warranted for an intersection – if it is determined that a stop is warranted, the stop signs are installed
- ❑ Based on a petition process per Chapter 51A, Division 51A-9.400 of Dallas City Code

Petition Process

- ❑ If staff recommends against installation of a four-way/all-way stop on a **residential intersection**, a citizen can petition for its installation, per Chapter 51A, Division 51A-9.400 of Dallas City Code
- ❑ For a petition to be considered, at least 2/3rd of the residents or tenants residing within 900' of the intersection at issue must support the petition (Sec. 51A-9.401 of City Code – Appendix A) and the street should meet Standards of review in Sec. 51A-9.402 of City Code (Appendix B)
- ❑ If petition for installation of a four-way/all-way stop is denied, a citizen can appeal this decision to the City Plan Commission and City Council (Appendix C)

Potential Amendment

- The potential amendment reduces the distance required for petition for a four-way/all-way stop on a residential intersection from 900 feet of the intersection at issue to 300 feet

DISCUSSION

Appendix A

SEC. 51A-9.401. APPLICATION.

(a) Prerequisites for accepting an application. An application for installation or removal of four-way/all-way stop controls at residential intersections must be filed with the traffic engineer. The traffic engineer shall not accept an application unless it has the support of at least two-thirds of the owners or tenants residing within **900 feet** of the intersection at issue.

(b) Calculation of votes. The following rules apply for purposes of calculating the extent to which an application has the support of owners or tenants:

(1) Lots containing no more than four dwelling units receive one application vote per unit.

(2) Lots containing more than four dwelling units receive no votes unless the application is signed by the owner or property manager, in which case the lot is allocated a number of application votes based on the following formula: Number of votes = Length of street frontage of the lot containing the dwelling units (in feet) divided by the average single family lot width (in feet) in the area within 900 feet of the intersection at issue.

(c) Owner or manager of a residential building may sign application. The owner or manager of a residential building may sign the application on behalf of the tenants. (Ord. Nos. 24177; 28424)

Appendix B

SEC. 51A-9.402. STANDARDS OF REVIEW.

(a) Standards for installation. The traffic engineer shall grant applications to install four-way/all-way stop controls at the intersection of two or more streets if an applicant shows that:

- (1) the intersecting streets are residential;
- (2) the intersecting streets are local;
- (3) the subject street is not a fire-rescue department emergency response route;
- (4) the subject street is used by less than 6,000 vehicles per day; and
- (5) it is in the public interest to grant the application.

Appendix C

SEC. 51A-9.403. APPEALS.

(a) Appeal to the city plan commission. An applicant who is dissatisfied with the decision of the traffic engineer may appeal that decision to the city plan commission. A written notice of appeal must be signed by the applicant or its legal representative and filed with the traffic engineer within 30 days of the date that notice of the traffic engineer's decision is given.

(b) Public hearing before the commission; notice requirements. The city plan commission shall hold a public hearing to allow interested parties to express their views regarding the appeal. The traffic engineer shall give notice of the public hearing in a newspaper of general circulation in the city at least 10 days before the hearing. In addition, the traffic engineer shall send written notice of the hearing to all owners of real property lying within 900 feet of the intersection at issue. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

Appendix C (2 of 3)

SEC. 51A-9.403. APPEALS.

(c) Decision of the commission. The city plan commission may reverse or affirm, in whole or in part, or modify the decision of the traffic engineer based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this division. The decision of the commission shall be final unless the applicant files a notice of appeal to the city council in accordance with this section.

(d) Appeal to the city council. An applicant who is dissatisfied with the decision of the city plan commission may appeal that decision to the city council. A written notice of appeal must be signed by the applicant or its legal representative and filed with the traffic engineer within 30 days of the commission's decision.

Appendix C (3 of 3)

SEC. 51A-9.403. APPEALS.

(e) Public hearing before the city council; notice requirements. The city council shall hold a public hearing to allow interested parties to express their views regarding the appeal. The traffic engineer shall give notice of the public hearing in a newspaper of general circulation in the city at least 15 days before the hearing. In addition, the traffic engineer shall send written notice of the hearing to all owners of real property lying within 900 feet of the intersection at issue. The notice must be given not less than 10 days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.

(f) Decision of the city council. The city council may reverse or affirm, in whole or in part, or modify the decision of the city plan commission based upon testimony presented at the public hearing, technical information provided by city staff, and the standards contained in this division. The favorable vote of two-thirds of all members of the city council is required to grant an application that has been recommended for denial by the commission. (Ord. Nos. 24177; 28424)

ORDINANCE NO. _____

An ordinance amending Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section 51A-9.401; amending the petition process for four-way/all-way stop sign requests at residential intersections; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (a), “Prerequisites for Accepting an Application,” of Section 51A-9.401, “Application,” of Division 51A-9.400, “Four-Way/All-Way Stop Controls at Residential Intersections” of Article IX, “Thoroughfares,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) Prerequisites for accepting an application. An application for installation or removal of four-way/all-way stop controls at residential intersections must be filed with the traffic engineer. The traffic engineer shall not accept an application unless it has the support of at least two-thirds of the owners or tenants residing within 300 [~~900~~] feet of the intersection at issue.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____