

City Council Agenda Items
and
Contracts, Leases or Agreements

10/15/2013

City Council Meeting Date
Agenda Items Only

Chris Brown ^{CB}

Submitted By

Engineering

Division

Development Services

Department

Action Required:

Ordinance Revision to Allow U Turns on Streets with Medians

Cost of this request

Category / Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

09-27-2013
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney

9-27-13
Date

Original Contract Date: _____

Original Contract Number: _____

[Signature]
Finance and Internal Services Director

9-27-2013
Date

Received in City
Clerk's Office

[Signature]
Chief of Staff

9-30-13
Date

Received in
Mayor's Office

[Signature]
Mayor

9/30/13
Date

ENTERED
9/27/13
[Signature]

Comments:

CITY COUNCIL MEMO

MEETING DATE: OCTOBER 15, 2013

TO: City Council

CC: Mayor Jordan
Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*

FROM: Chris Brown, City Engineer *CB*

DATE: September 26, 2013

SUBJECT: Ordinance Revision to Allow U-Turns

City Code Chapter 71.052 addresses u-turns in the City, and prohibits them at signalized intersections. This prohibition affects the soon to be completed section of Highway 265, in that the design and concept of the Highway 265 project is to utilize medians to limit left turns, and restrict them to median break locations, several of which are located at signalized intersections on the project. The access management plan and agreement that the City has with the Arkansas State Highway and Transportation Department references u-turns, and the street is designed to accommodate u-turns by providing widened areas at each median break and intersection. If u-turns are not allowed, the street system will not function as efficiently, and problems with cars turning around on side streets at private driveways, or cutting through neighborhood side streets will likely be seen.

Future streets, namely Garland Avenue and Ruppel Road, are planned to be constructed with medians, which may create a situation similar to the one Highway 265. Therefore, staff recommends that the Ordinance be changed to allow u-turns on streets with medians.

The Transportation Committee reviewed the proposed changes, and recommended that the existing Ordinance language remain, with the additional provision to allow u-turns on streets with medians unless prohibited by the use of "no u-turn" signage. The original and proposed ordinance language is attached.

ORIGINAL LANGUAGE:

71.052 "U" Turns

No vehicle shall be turned so as to proceed in the opposite direction on any street, except at an intersection, and such turn shall be made then only if traffic is not controlled at such intersection by a traffic control signal.

(Code 1965, §19-79; Ord. No. 1447, 6-7-65; Code 1991, §71.052)

Cross reference(s)--Penalty, §71.999.

State law reference(s)--Turning on curve or crest of grade prohibited, A.C.A. §27-51-402.

PROPOSED LANGUAGE:

71.052 "U" Turns

No vehicle shall be turned so as to proceed in the opposite direction on any street, except at an intersection, and such turn shall be made then only if traffic is not controlled at such intersection by a traffic control signal, except on streets with median access control, on which such turns shall be allowed at all breaks in the median unless signage is displayed prohibiting such turns.

(Code 1965, §19-79; Ord. No. 1447, 6-7-65; Code 1991, §71.052)

Cross reference(s)--Penalty, §71.999.

State law reference(s)--Turning on curve or crest of grade prohibited, A.C.A. §27-51-402.



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: September 27, 2013

RE: "U" Turns

I inserted the state statutory law restriction for any "U" Turn within the "U" turn code section so that all the rules about "U" turns would be in a single location. I also broke Engineering's proposed language into two sections to avoid a long sentence with two consecutive "except" clauses in an attempt to make our regulation more clear and simple.

I believe my proposed wording accomplishes the change to allow "U" turns on Highway 265 as proposed by Engineering in order to help drivers more easily and quickly access properties on both sides of Highway 265.

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL § 71.052 "U" TURNS AND TO ENACT A
NEW § 71.052 "U" TURNS INTO THE FAYETTEVILLE CODE TO PERMIT
"U" TURNS ON STREETS WITH MEDIANS**

WHEREAS, streets with medians including the newly enlarged Highway 265 north of Mission have been designed to safely allow "U" turns at median breaks for easier access to property on back sides of the street; and

WHEREAS, the current restriction on permitted "U" turns within the Fayetteville Code needs to be amended to allow "U" turns at these median breaks.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 71.052 "U" Turns in its entirety and enacts a replacement § 71.052 "U" Turns as shown below:

"71.052 "U" Turns

- (a) *Sufficient visibility required by State law.* No vehicle shall be turned so as to proceed in the opposite direction (a "U" turn) where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.
- (b) *Streets without median access control.* No vehicle shall be turned in the opposite direction on a street without median access control except at a non-signalized intersection.
- (c) *Streets with median access control.* "U" turns are permitted on streets with median access control at all constructed breaks in the median unless signage is displayed prohibiting such "U" turns."

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Ordinance No.

PASSED and APPROVED this 15th day of October, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

current law

(Code 1965, §19-78; Ord. No. 1447, 6-7-65; Code 1991, §71.051)

Cross reference(s)--Penalty, §71.999.

State law reference(s)--Turning at intersections, A.C.A. §27-51-401.

71.052 "U" Turns

No vehicle shall be turned so as to proceed in the opposite direction on any street, except at an intersection, and such turn shall be made then only if traffic is not controlled at such intersection by a traffic control signal.

(Code 1965, §19-79; Ord. No. 1447, 6-7-65; Code 1991, §71.052)

Cross reference(s)--Penalty, §71.999.

State law reference(s)--Turning on curve or crest of grade prohibited, A.C.A. §27-51-402.

71.053 Turning And Stopping Signals

- (A) No person shall turn a vehicle from a direct course upon a street or highway without giving an appropriate signal, in the event any other vehicle may be affected by such movement. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.
- (B) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal.
- (C) Any stop or turn signal, when required, shall be given either by means of the hand and arm or by signal lamps; provided that, any motor vehicle in use on a street or highway shall be equipped with, and the required signal shall be given by, signal lamps, when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.
- (D) All signals required by this section given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) *Left turn.* Hand and arm extended horizontally.

- (2) *Right turn.* Hand and arm extended upward.

- (3) *Stop or decrease of speed.* Hand and arm extended downward.

(Code 1965, §19-81; Ord. No. 1447, 6-7-65; Code 1991, §71.053)

Cross reference(s)--Penalty, §71.999.

State law reference(s)--Signals for turning, stopping, or decreasing speed required, A.C.A. §27-51-403; Signals to stop or sign, A.C.A. §27-51-404; Hand and arm signals, A.C.A. §27-51-405.

71.054-71.064 Reserved

ARTICLE IV SPEED REGULATIONS

71.065 General Speed Restrictions

- (A) No person shall drive a vehicle on any street or highway in the city at a speed greater than is reasonable and prudent under the conditions then existing.
- (B) Where no special hazard exists, the following speeds shall be lawful, but any speed in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:
- (1) Twenty miles per hour in any business district
- (2) Twenty-five miles per hour in any residential district
- (C) The fact that the speed of the vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or street conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to show due care.

(Code 1965, §19-68; Ord. No. 1447, 6-7-65; Code 1991, §71.065)

Cross reference(s)--Penalty, §71.999.

State law reference(s)--Limitations generally; A.C.A. §27-51-201; Local authorities may alter prima facie speed limits, A.C.A. §27-51-206.

State Law

27-51-402

TRANSPORTATION

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27-51-402. Turning on curve or crest of grade prohibited.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500').

History. Acts 1937, No. 300, § 65; Pope's Dig., § 6723; A.S.A. 1947, § 75-616.

27-51-403. Signals for turning, stopping, changing lanes, or decreasing speed required.

(a) No person shall turn a vehicle from a direct course upon a highway unless and until the movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by the movement or after giving an appropriate signal in the manner provided in subsection (b) of this section in the event any other vehicle may be affected by the movement.

(b) A signal of intention to change lanes or to turn right or left shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before changing lanes or turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this subchapter to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

History. Acts 1937, No. 300, § 67; Pope's Dig., § 6725; A.S.A. 1947, § 75-618; Acts 2007, No. 364, § 1.

Amendments. The 2007 amendment added "changing lanes" and made a minor

punctuation change in the section heading; and in (b), inserted "change lanes or to" preceding "turn" and inserted "changing lanes or" preceding "turning."

CASE NOTES

ANALYSIS

- Contributory Negligence.
- Evidence of Negligence.
- Instructions.
- Jury Questions.
- Ordinary Care.
- Recovery Precluded.
- Sufficiency of Evidence.

Contributory Negligence.

The law of the road is that the automobile in front has the superior right to the use of the highway for the purpose of leaving it on either side, and a driver in the rear who fails to observe such rule, although driver in front failed to give

signal, is guilty of contributory negligence. *Jones v. King*, 211 Ark. 1084, 204 S.W.2d 548 (1947).

Evidence of Negligence.

It is the duty of one driving a car, where there is another car following close behind him, to warn the approaching car of his intention to stop, and the sudden stopping without any notice to the driver of the car immediately behind is, if unexplained, negligence. *Missouri Pac. Transp. Co. v. Sacker*, 200 Ark. 92, 138 S.W.2d 371 (1940).

A violation of this section, while not conclusive of the issue, may be evidence of negligence on the part of the violator.

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It is the or by the know, that to warn t appropriat tion to stop ping of a driver of t unexplain Sorenson, 1954).

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Instructi

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