

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030622

1. REQUESTED MOTION:

ACTION REQUESTED: Approve a Resolution to amend Lee County Administrative Code 11-3 pertaining to traffic regulation orders and control measures to more accurately reflect existing procedures and Land Development Code.

WHY ACTION IS NECESSARY: Requires Board approval of such matters.

WHAT ACTION ACCOMPLISHES: Conforms the Administrative Code to existing procedure and LDC regulations regarding approval of traffic control devices on Lee County rights-of-way.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # A9A

3. MEETING DATE: 08-12-2003

4. AGENDA:

- CONSENT ADMINISTRATIVE APPEALS
- PUBLIC WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Transportation
- C. DIVISION Traffic
- BY: Scott M. Gilbertson, P.E.
Director

7. BACKGROUND:

In 1993, the Board adopted Administrative Code 11-3 pertaining to traffic regulations and control measures. In order to reflect recent changes in the Land Development Code pertaining to approval for access, median openings and turning movements, revision of AC 11-3 is necessary.

The proposed amendment will accomplish the following:

- Updates the language of the Administrative Code making it more "user friendly."
- Clearly identifies the process applicable to seeking approval of median openings, turning movements and other traffic control devices.

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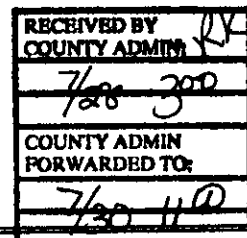
8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<u>7/25/03</u> <i>[Signature]</i>				<u>7-28-03</u> <i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<u>7-28-03</u> <i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER



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Subject: AC-11-3 Traffic Regulation Orders and Control Measures

3. Delineates, with greater clarity, the responsibilities and authority of Lee County's Chief Traffic Engineer.

The substance of this proposed amendment has been reviewed and approved by the Land Development Code Advisory Committee.

Attachments: Draft resolution providing for amendment to AC 11-3
Proposed amendments of AC 11-3

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code have been proposed, and the Board of County Commissioners found that such proposed amendments were acceptable, serve a public purpose and were consistent with the terms

and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code Traffic Regulation Orders and Control Measures (attached hereto as Exhibit "A"), are approved, and are hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, the vote was as follows:

ROBERT P. JANES
DOUGLAS R. ST. CERNY _____
RAY JUDAH
ANDREW W. COY _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED this ____ day of _____, 2003.

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Dawn E. Perry-Lehnert
Office of the County Attorney

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

<u>CATEGORY:</u> Transportation and Traffic Management	<u>CODE NUMBER:</u> AC-11-3
<u>TITLE:</u> Traffic Regulation Orders and Control Measures	<u>ADOPTED:</u> 8/11/93
	<u>AMENDED:</u> 3/24/98
	<u>ORIGINATING DEPARTMENT:</u> Division Department of Transportation

PURPOSE/SCOPE:

To provide the Director of the Lee County Department of Transportation (DOT) with the authority to place and maintain traffic control devices which confirm to in a along Lee County in conformity with the manual and specifications of the Florida Department of Transportation.

POLICY/PROCEDURE:

1.0 The Board of County Commissioners hereby designates ~~the Director of the Division of Transportation to have DOT as the authority~~ entity with the power and responsibility to regulate, place and maintain traffic control devices and measures, as deemed necessary, to guide, regulate or warn traffic throughout Lee County.

2.0 The Director of the DOT Traffic Section is designated as hereby delegates the power and authority to act in accordance with the duties and responsibilities set forth in this code to the Lee County Chief Traffic Engineer for Lee County, and shall exercise the powers and duties with respect to traffic as provided in this Code.

- 3.0 The ~~general~~ duties of the Chief Traffic Engineer shall be include, but are not limited to:
- A. ~~To determine~~ Determining the installation, timing sequence, and maintenance of official traffic control devices.
 - B. ~~To conduct~~ Conducting engineering analyses of traffic accidents and to devising remedial measures.
 - C. ~~To conduct~~ Conducting engineering investigations of traffic conditions.
 - D. ~~To plan~~ Planning the operation of traffic on the streets of Lee County.
 - E. ~~To cooperate~~ Cooperating with other officials in the development of ways and means to improve traffic conditions.
 - F. ~~To carry~~ Carrying out the additional powers and duties imposed by ordinances, resolutions, and administrative codes of Lee County.
 - G. Conducting and reviewing engineering investigations and reports to determine the appropriate traffic controls thru medians and at driveways on the streets of Lee County. The processes to handle external requests for such modifications are described in paragraphs 6.0 and 7.0.
 - H. Adopting, modifying, and rescinding traffic regulation orders.

4.0 The Chief Traffic Engineer shall will determine the location and maintenance of official traffic control devices in conformance with the Florida Uniform Control Law, Florida Statutes, Chapter 316, and as required under the applicable Lee County codes traffic ordinances and regulations. of Lee County, and may The Chief Engineer has the authority to remove or place and maintain such additional official traffic control devices as deemed necessary to carry out these comply with the applicable provisions, or to regulate, warn or guide traffic.

5.0 Traffic regulation orders ~~shall be~~ are required to implement the following traffic control devices ; or measures:

- A. Speed Limits
- B. Turn Restrictions
- C. Parking Restrictions
- D. Weight Limit Restrictions
- E. Intersection Controls.
 - ~~i.~~ (1) Stop Control
 - ~~ii.~~ (2) Multi-way Stop Control
 - ~~iii.~~ (3) Traffic Signal
 - ~~iv.~~ (4) Yield Control
- F. Vehicle Prohibitions or Exclusions
- G. Designation of One-Way Streets

6.0 Process to revise or modify median traffic controls on roadways of Lee County:

A. Process. Requests to establish a new turning movement thru medians or create or modify median openings on County roadways, must comply with the following process and criteria.

(1) All requests must be made in writing and directed to the Chief Traffic Engineer for review.

(2) The requests must include a site plan clearly depicting the request, and a traffic engineering study assessing the traffic conditions in and around the location of the proposed median opening or new turning movement. The study and site plan must be prepared, signed and sealed by Florida registered professional engineer.

(3) Prior to undertaking the traffic engineering study, the applicant will meet with Lee DOT staff to discussion and agree upon the methodology to be used in the study. The engineering study will determine future project related and background traffic flow for the following time horizons:

- a. At time of Build-out for the project
- b. 10 years into the future from the current year
- c. 20 years into the future from the current year

B. Evaluation Criteria. ~~The Chief traffic Engineer's decision to grant or deny an application to establish a new turning movement or create or modify a median opening is discretionary. The following criteria will be used as a guide in evaluating the application. The decision to grant or deny an application discretionary.~~

(1) Whether the proposed location meets or exceeds all minimum intersection separation standards set forth in the Lee County Land Development Code (LDC).

(2) Whether the proposed median opening or turning movement presents a significant threat to public health safety and welfare.

(3) Whether the proposed median opening or turning movement will significantly degrade the capacity of the major roadway to an unacceptable level or create undesirable traffic operational issues.

C. The County retains the right and authority to modify or restrict access, turning movements, median openings and use of traffic control devises on or affecting County rights-of-way as it

deems necessary to address operational and safety issues. This provisions is applicable to existing, as well as, future developments in Lee County.

7.0 Process to create or modify access to County rights-of-way. Requests to create or modify access-to County rights-of-way must comply with all applicable LDC provisions. These requests will be considered as a part of the local development order or Right-of-Way Permit process, as applicable.

~~6.0~~ 8.0 The Chief Traffic Engineer ~~shall~~ may make recommendations to the Director of DOT on ~~such~~ traffic issues requiring traffic regulation orders and revisions or modifications to median and existing median openings. These decisions and recommendations may be appealed to the Board of County Commissioners for their consideration. and access controls. These recommendations ~~shall will~~ be made on the basis of acceptable engineering practices using good engineering ~~judgement~~ judgment, and encompassed in an approved engineering and traffic investigation. These investigations ~~shall will~~ take into consideration all previous similar investigations, applicable ~~Florida Statutes and Regulations, applicable Lee State and County regulations, codes, Ordinances and Policies, and as well as other~~ additional considerations ~~when~~ deemed appropriate.

~~7.0~~ 9.0 The Director of DOT ~~shall~~ has the authority to approve or disapprove of the recommendations of the Chief Traffic Engineer. [No other individual or agency, with the exception of the Board of County Commissioners, ~~shall~~ may adopt, modify or rescind any ~~delegated~~ traffic regulation order approved by the Chief Traffic Engineer concerning ~~in~~ any right-of-way under Lee County's jurisdiction].

~~8.0~~ 10.0 Public notice of all actions requiring traffic regulation orders ~~shall will~~ be given, ~~through the news print media, published in a newspaper of general circulation at least two (2) weeks prior to implementation of a new or revised traffic regulation order.~~

~~9.0~~ 11.0 All traffic regulation orders ~~shall will~~ be maintained on file by the ~~Division~~ Department of Transportation.

~~10.0~~ Decisions under this Code ~~shall be written and are appealable in accordance with the procedures set forth in the Lee County Zoning Ordinance, Ordinance No. 86-17, as it may be amended or replaced, for appeals of administrative decisions.~~

~~11.0~~ This Administrative Code ~~repeals and replaces Administrative Code 11-3, Procedures to be Followed When Changing the Operational Use of a County Road, and Administrative Code 11-10, Lee County Traffic Regulation Committee.~~