

ADOPTED BY THE  
MAYOR AND COUNCIL

April 12, 2005

ORDINANCE NO. 10140

RELATING TO STREETS AND SIDEWALKS; ESTABLISHING A TEMPORARY WORK ZONE TRAFFIC MANAGEMENT PROGRAM; AMENDING TUCSON CODE BY AMENDING SECTION 25-24 THEREOF AND BY ADDING A NEW ARTICLE V TO CHAPTER 25 THEREOF ENTITLED TEMPORARY WORK ZONE TRAFFIC MANAGEMENT; ESTABLISHING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code Section 25-24 is hereby amended to read as follows:

"Section 25-24. Barricades; notice.

- (a) The applicant shall adequately barricade work in accordance with the latest edition of the "Manual on Uniform Traffic Control Devices," including additions by the city, and shall install sufficient warning lights and signs to protect the public. The applicant shall notify and obtain approval from the traffic engineer seventy-two (72) hours in advance, except in emergencies, before closing or barricading any street or public right-of-way, or portion thereof.

CITY CLERK FILE NOTE: DD:nb:jk 4/15/2005

This document reflects the changes read into the record at the Mayor and Council meeting of April 12, 2005

- (b) Three (3) copies of the “Manual on Uniform Traffic Control Devices,” including additions by the city, shall be filed in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.”

SECTION 2. The Tucson Code Chapter 25 is hereby amended by adding a new Article V entitled Temporary Work Zone Traffic Management, to read as follows:

**“Article V. Temporary Work Zone Traffic Management**

Section 25-88. Temporary Work Zone Traffic Management Program established.

There is hereby established a Temporary Work Zone Traffic Management Program to improve work zone safety and to manage temporary roadway restrictions in order to minimize delays and frustrations for the traveling public. The Temporary Work Zone Traffic Management Program is intended to enhance the planning, application, and oversight of traffic control management in temporary work areas in roadways, sidewalks, and transit zones.

Section 25-89. Definitions.

As used in this Article, the following terms shall have the meanings indicated below:

- (a) Major holiday shall mean any holiday enumerated in A.R.S. § 1-301.
- (b) MUTCD shall mean the Manual on Uniform Traffic Control Devices as amended by the State of Arizona and including additions by the City.

- (c) NCHRP 350 Guidelines shall mean National Cooperative Highway Research Program Report 350, three (3) copies of which shall be kept on file in the office of the city clerk and are made public records and shall be available for public use and inspection during regular office hours.
- (d) Peak travel time shall mean 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Monday through Friday, excluding major holidays.
- (e) Transit zone shall mean those portions of public rights-of-way reserved for stopping and standing of public transit vehicles or for passenger waiting, alighting or boarding of public transit vehicles.
- (f) Active work shall mean the presence of workers engaged in maintenance of, or construction upon public rights-of-way, and shall include related activities necessary for full completion of the work, such as material drying or curing times when workers may not be physically present. As long as workers engaged in the maintenance of, or construction upon the public rights-of-way are present in the temporary work zone, the term active work shall also include those periods of time when they may be idle due to material, equipment, inspection or similar scheduling requirements.

Section 25-90. Temporary Work Zone Traffic Management.

In addition to the barricading and permitting requirements contained in Section 25-24 and elsewhere in this Chapter, all temporary work zone barricading within City of Tucson rights-of-way shall substantially comply



with the latest edition of MUTCD, as amended by the State and including the additions by the City, and with NCHRP 350 Guidelines. No temporary roadway restrictions shall occur during peak travel times, or on major holidays unless specifically approved by the Director of Transportation or in case of actual emergency. The Director of Transportation may allow temporary roadway restrictions in the off-peak direction during peak travel times in the Director's sole discretion. Under no circumstances shall roadways, sidewalks, or transit zones be restricted with barricades when no active work is being performed or is to be performed within two hours of the completion of the installation of the barricades, unless an approved detour is in place.

Section 25-91. Fee Schedule.

- (a) A permit fee of seventy-five dollars (\$75) for every thirty (30) days of estimated project completion time shall be collected for each barricading permit. The City may request a permit holder to report the project's completion status every thirty (30) days. Projects with an estimated completion time beyond a multiple of thirty (30) days shall be rounded to the next highest multiple of thirty (30) days for permitting purposes.
- (b) In cases where a traffic control plan is required by the MUTCD, a traffic control plan review fee of fifty dollars (\$50) shall be collected in addition to the permit fee provided in subsection (a) above.

- (c) Public utilities may apply for and receive an annual permit for short-term multiple location work for a one time annual payment of twelve thousand dollars (\$12,000) per year.
- (d) Permit fees and review plan fees provided for in subsections (a) and (b) above shall be doubled if the request for permit is submitted less than seventy-two (72) hours in advance of the proposed commencement of the work.

Section 25-92. Violations and civil sanctions.

The following schedule of civil sanctions shall be imposed for each of the following violations of this chapter:

- (a) Presenting an imminent risk of death or injury to the public within public right-of-way, \$1500.00.
- (b) Restricting roadway without proper certification or without a barricading permit for more than thirty (30) minutes, \$1000.00.
- (c) Restricting traffic during peak hours without permission from the Director of Transportation, \$1000.00.
- (d) Failing to correct or cure violations within the time period stated in a warning notice, \$1000.00.
- (e) Restricting traffic at signalized intersections without active work occurring within thirty (30) minutes of the restriction, \$1000.00.
- (f) Violating restriction limits or times and/or locations as contained in the barricading temporary use permit, \$500.00.

- (g) Leaving advance warning signs facing traffic more than forty-five (45) minutes after the restriction has been removed, \$250.00.
- (h) Leaving traffic control devices in the right-of-way for twenty-four (24) hours after temporary barricading permit expires, \$250.00.
- (i) Failure to comply with the use of MUTCD and/or NCHRP 350 compliance devices, \$250.00.

The civil sanctions provided above shall be tripled in the event that a valid permit has not been obtained for the work that constitutes the infraction.”

SECTION 3. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions that can be given effect without the invalid provision and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. Sections 1 and 2 of this ordinance shall become effective on May 15, 2005.

SECTION 6. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately


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effective, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, April 12, 2005.

  
MAYOR

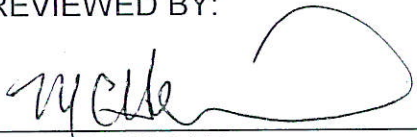
ATTEST:

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

REVIEWED BY:

  
CITY MANAGER

TR:tc  
04/12/05 12:25 PM