

AN ORDINANCE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA, AS FOLLOWS:

Section 1: The Code of the City of Foley, Chapter 14, Streets and Sidewalks is hereby amended to add the designation of "Article I. In General" to the now existing sections of Chapter 14 (sections 14-1 through 14-4), otherwise these sections are not changed.

Section 2: The Code of the City of Foley, Chapter 14, Streets and Sidewalks is hereby amended to add the following provisions and exhibits:

Article II. Planned Access Roadways

14-5. DEFINITIONS

The following words and terms, when used in this Article of Chapter 14, shall have the following meanings unless the context clearly indicates otherwise:

Access Application means a document submitted to the City of Foley, or a designated department thereof, to initiate the Access Permit process.

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

1999 May -27 2:15PM

Instrument Number 494854 Pages 39
Recording 97.50 Mortgage
Deed Min Tax
Index DP 1.00
Archive
Adrian T. Johns, Judge of Probate

h5866h

Access Level means the allowable turning movements to and from access points on a road segment based on the Access Management Classification.

Access Management Classification means an identification system for regulating access based on function, environment, and traffic characteristics. The Access Management Classification system is applicable to all streets and public ways within any Planned Access Roadway. A change in the function, surrounding environment, characteristics, speed limit, or desirable typical section may be a basis for changing the access classification and associated Access Level.

Access Management Plan is the practice of managing the location, number and spacing connections, median openings, and traffic signals on Planned Access Roadways.

Access Permit means a grant of an approval of an Access Application for access to a Planned Access Roadway. Access Permits may be subject to certain terms and conditions, and they may expire or be revoked or modified.

Access Unit means the property access to a Planned Access Roadway including the design of its Intersections with the same and associated Speed Change Lanes.

Applicant means a private party or entity, municipality, county, or any public agency applying for an Access Permit. The Applicant shall own or have possessory rights to the Lot where the access is sought.

Auxiliary lane means a lane striped for use, but not for through traffic use.

Average Daily Traffic (ADT) means the highest estimated two-way traffic volume using a roadway facility during a 24-hour period.

Component Factors means the road, right-of-way, grading, surface and subsurface drainage provisions, curbs, gutters, catch basins, foundations, shoulders and slopes, wearing surfaces, bridges, culverts, retaining walls, Intersections, private entrances, guide rails, trees, illumination, guideposts and signs, signals, ornamentation, and monuments.

Connector means a road, Driveway, deeded access or other means of providing access to and from a Planned Access Roadway.

Corner Clearance means the distance along the curbline between the point of curvature of the corner radius and the point of curvature of the nearest curbline opening at an Intersection.

County Road (CR) means a road taken over by, controlled by, built by, maintained by, or otherwise under the jurisdiction of Baldwin County, Alabama.

Directional Median Opening means an opening in a Restrictive Median which provides for U-turn only, and/or left-turn in movements. Directional Median Openings for two opposing left or "U-turn" movements along one segment of a road are considered one Directional Median Opening.

Distance Between Driveways means the distance measured along the curbline between curbline openings of two adjacent Driveways.

Driveway means a private roadway providing access to a street or highway. A Driveway is not a road, street, boulevard, highway, or parkway.

Frontage means the length along the highway right-of-way line of a single Lot between the side Lot lines.

Full Median Opening means an opening in a Restrictive Median design to allow all turning movements to take place from both the Planned Access Roadway and the adjacent connection.

Grandfathered Access are access situations whereby roads or other Access Units existing before the effective date of this Article intersect or connect to a Planned Access Roadway. In such event, the existing access may be deemed to be "grandfathered" and the design of such Intersections or connections will be performed by the Traffic Consultant. Any such Grandfathered Access shall be allowed to remain until such time as it is abandoned or altered, after which time it will lose its grandfathered status, or until the Permitting Agency terminates the grandfathered status.

Interchange means a grade-separated bridged system of access to and from Planned Access Roadways where vehicles may move from one roadway to another without crossing mainline streams of traffic.

Intersection means an at-grade crossing of a local, county or state road with a Planned Access Roadway.

Level of Service (LOS) means a description of traffic conditions along a given roadway or at a particular Intersection. The Level of Service ranges from "A" which is the best, to "F" which is the worst. It reflects factors such as speed, travel time, freedom to maneuver, traffic interruptions, and delay.

Planned Access Roadway means any road within the corporate limits of City of Foley which is designated by the City of Foley to be subject to Article II of Chapter 14, Code of the City of Foley.

Local road means the Access Management Classification for roads whose purpose is to provide direct access to abutting land and roads of higher classification.

Lot centerline means the mid-point of the Frontage of a Lot abutting a Planned Access Roadway.

Lot means a single tax map parcel or two or more tax parcels which are in common ownership, have a unity of use, and are contiguous. All land adjacent to a Planned Access Roadway is considered to be part of a Lot.

Modification of access means changes to access in conjunction with the implementation of a highway improvement project, which results in changing the number of access points, changing the width of an access point by more than five feet, or changing the location of an access point by more than 10 feet.

Non-Conforming Structure means a structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Article but

fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Article.

Non-Conforming Use means a use or activity that was lawful prior to the adoption, revision, or amendment of this Article but fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Article.

Peak Hour means the 60 consecutive minutes during which the highest traffic volume occurs along a roadway or through a Driveway.

Permittee means the owner or possessor of a Lot which has an Access Permit or the City of Foley or Baldwin County having an Access Permit for a street.

Permitting Agency means the City of Foley.

Planned Controlled Access is a transportation facility in which access is regulated by the owners of the facility, owners and occupants of abutting lands, and other persons having a right of access to and from a Planned Access Roadway.

Public utility means every individual, co-partnership, association, corporation, or joint stock company, their lessees, trustees, or receivers appointed by any court, owning, operating, managing or controlling within the State of Alabama a railroad,

canal, express, subway, pipeline, gas, electric, light, heat, power, water, oil, sewer, telephone, telegraph system, plant, or equipment for public use under privileges granted by the State or any political subdivision thereof.

Reconstruction means the rebuilding of an existing improved road or access point involving changes to its configuration.

Reduced Access Unit means the design of an Access Unit for those Lots with Frontage on a Planned Access Roadway of less than 1,320 feet, as recommended by the Traffic Consultant and approved by the Permitting Agency.

Restrictive Median means the portion of a divided highway or divided Driveway physically separating vehicular traffic traveling in opposite directions. Restrictive Medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/or island, and a grassed or a swaled median.

Revocation means termination of an Access Permit by the Permitting Agency.

Right-of-way means property and property rights, including easements, that constitute a highway or street.

Road means a highway other than a street, boulevard, or parkway.

Route means a highway or set of highways including roads, streets, boulevards, parkways, bridges, and culverts needed to provide direct transportation between designated points.

Segment means the portion of a Planned Access Roadway between the closest existing traffic signals on each side of or along the Frontage of a Lot.

Service Road means a public or private street or road, auxiliary to and normally located parallel to a Planned Access Roadway or facility, which has as its purpose the maintenance of local road continuity and provision of access to parcels adjacent to the Planned Access Roadway or facility.

Shared Driveway or Shared Access means a single Driveway serving two or more adjoining Lots. A Shared Driveway may cross Lot lines, enabling a Lot without direct access to have access to a Planned Access Roadway.

Shoulder means the portion of the roadway that lies between the edge of the traveled way and curbline, excluding auxiliary lanes.

Signal Spacing means the distance between traffic signals along a roadway.

Significant increase in traffic means vehicular use exceeding the previously anticipated two-way traffic generated by a Lot by:

1. 100 movements during the Peak Hour of the highway or the development; and/or
2. 10 percent of the previously anticipated daily movements.

Site means the Lot which is the subject of an Access Application or Access Permit.

Speed-change lane means an auxiliary lane, deceleration lane, or acceleration lane, including tapered areas, primarily for the deceleration or acceleration of vehicles entering or leaving the through traffic lanes.

State Road (SR) means the network of limited access and controlled access highways that have been functionally classified and which are under the jurisdiction of the State of Alabama.

Structure means a combination of materials to form a construction for use, occupancy, display, or ornamentation whether installed on, above, or below the surface of land or water.

Traffic Consultant means a professionally recognized firm with toll facility and/or traffic engineering experience in highway capacity/level of service analysis and access management.

Traffic Impact Study means a report analyzing anticipated roadway conditions with and without an Applicant's development. The report includes an analysis of mitigation measures and a calculation of fair share financial contributions for the same.

Traffic Growth Rate means the rate at which traffic volumes are projected to increase over a period of time. It is expressed as a percentage that is compounded annually.

Traffic signal means an electrically operated device that assigns time to conflicting transportation movements.

Traveled way means the portion of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Two-lane highway means a highway consisting of two traffic lanes (one per direction).

Undivided highway means a highway having access on both sides of the direction of travel.

US means Alabama State Route with "U.S." route designation.

V/C Ratio is a fraction, the numerator of which is the number of vehicles passing a given point in a unit of time and the denominator of which is the theoretical capacity of the roadway at that point for the same unit of time.

Vehicle trip means a car moving from an origination point to a destination point.

Waiver means the Permitting Agency's intentional relinquishment of its right to wholly enforce provisions of this Article. Waivers may either reduce or eliminate requirements.

Weaving means the crossing of two or more traffic streams traveling in the same general direction along a significant length of highway, without the aid of traffic control devices. Weaving areas are formed when a merge area is closely followed by a diverge area, or when an entrance ramp is closely followed by an exit ramp and the two ramps are joined by an auxiliary lane.

14-6. TRAFFIC CONSULTANT - DUTIES AND POWERS

The Traffic Consultant shall review all applications for connectivity to a Planned Access Roadway. The Traffic Consultant shall evaluate all available, pertinent data and shall render opinions about the placement, capacity, and the safety of Access Units, median openings and traffic controls along a Planned Access Roadway. The decision of the Traffic Consultant will be enforced by the Permitting Agency and no Access Permits will be issued without the approval of the Traffic Consultant and compliance with this Article.

14- 7. ACCESS MANAGEMENT STANDARDS - TRAFFIC CONSULTANT

The Traffic Consultant will certify that the approval of the proposed access would not cause the Planned Access Roadway to operate at a Level of Service lower than "D" as defined by the Institute of Transportation Engineer's (ITE) Highway Capacity Manual (HCM).

14-8. ACCESS MANAGEMENT STANDARDS - TRAFFIC CONSULTANT

The Traffic Consultant may investigate the operation and safety of all existing and proposed Access Units at any time. In the event that operating conditions on a Planned Access Roadway change after an Access Unit is approved, the Traffic Consultant may take such measures as deemed necessary to remedy any operational or safety concerns, including requiring that a traffic signal be installed.

14-9. ACCESS MANAGEMENT STANDARDS - GRANDFATHERED ACCESS

Intersections with existing and improved State, County, and local governmental roads are given "Grandfathered Access" to Planned Access Roadways and will be afforded Full Median Openings in accordance with the definition of Grandfathered Access.

14-10. ACCESS MANAGEMENT STANDARDS - GENERAL

Access connections may permit right and left-turn movements to and from private property. Based on the Traffic Consultant's recommendation, left-turn movements, when permitted, may or may not require signalization.

14-11. ACCESS MANAGEMENT STANDARDS - ACCESS UNITS

Only one Access Unit is permitted for every 1/4 mile (approximately 1,320 feet) of Frontage to a Planned Access Roadway. An Access Unit consists of a Driveway opening, an acceleration lane, and a deceleration lane. These distances are measured from the centerline of the Driveway opening. The Access Unit must be contained within the property's Frontage. If the property takes advantage of section 14-18, then it will be treated as one unit. Exhibits A through E, attached hereto, illustrate typical Access Units for varied rights-of-way widths and varied Frontage dimensions along a Planned Access Roadway.

14-12. ACCESS MANAGEMENT STANDARDS - REDUCED ACCESS UNITS

When a Lot has less than 1,320 feet of Frontage, an Applicant may apply for a Reduced Access Unit that minimizes the distance requirements of the acceleration and/or deceleration lanes. Approval of Reduced Access Units will be made on a case-by-case basis. A sample Reduced Access Unit is depicted on Exhibit B, attached hereto.

14-13. ACCESS MANAGEMENT STANDARDS - RIGHT TURN IN/OUT ONLY

A Lot may be limited to only having right turn in/out access to a Planned Access Roadway, especially when the Lot is small in size and/or when alternative access is provided to the Lot by an adjacent public road.

14-14. ACCESS MANAGEMENT STANDARDS - MEDIAN OPENINGS

An Applicant may be allowed a median opening to facilitate left turn in/out access to a Planned Access Roadway. Where a median opening already exists to serve an Access Unit, the Applicant for an Access Permit on the opposite side of the Planned Access Roadway may be required to build the Access Unit so it lines up with and shares the existing median opening to minimize and maintain the continuity of median openings.

14-15. ACCESS MANAGEMENT STANDARDS - GENERAL

The Permitting Agency may condition a grant of access to a Planned Access Roadway to the implementation of simultaneous companion improvements designed to restore the overall traffic capacity or Level of Service which may be reduced by the granting of the Access Permit. The Applicant may be required to pay for all or part of the costs of the companion improvements.

14-16. ACCESS MANAGEMENT STANDARDS - TRAFFIC SIGNALS

The Traffic Consultant may require the installation of traffic signals on a Planned Access Roadway based on Part C of the "Manual of Uniform Traffic Control Devices (MUTCD) for Streets and Highways," U. S. Department of Transportation, Federal Highway Administration 1988 edition (or superseding edition), attached hereto as Exhibit F. At least one or more of the traffic signal warrants must be met to justify the installation of a traffic signal. In the event that the Traffic Consultant recommends that a traffic signal is warranted, the Permitting Agency will not grant access to a Planned Access Roadway unless and until a traffic signal is provided in accordance with the operation plan recommended by the Traffic Consultant. The Applicant may be required to pay all or part of the costs of these improvements.

14-17. ACCESS MANAGEMENT STANDARDS - COMPLIANCE WITH TRAFFIC CONSULTANT'S REQUIREMENTS

If an Applicant or owner fails or refuses to implement traffic control devices or access design specifications required by the Traffic Consultant within the specified time period, the Permitting Agency may revoke the Access Permit or restrict the Access Unit to right-turn movements to and from the property.

14-18. ACCESS MANAGEMENT STANDARDS - SHARED ACCESS

The Applicant may propose a joint-use or Shared Access with a consensual adjoining property owner. This may facilitate the granting of a permit that allows for left-turn movements where either or both Lots would otherwise not be able to have the same. Two or more Lots sharing a common Access Unit will be treated as one unit, and the combined vehicular traffic volumes will determine the access control requirements. A perpetual condition shall be written into the deed for each Lot establishing the Shared Access. These conditions and applications will be reviewed by the Traffic Consultant on a case-by-case basis and a recommendation will be made to the Permitting Agency. If such a connection to a Planned Access Roadway is determined to be reasonable by the Traffic Consultant, the connection may be approved by the Permitting Agency.

14-19. ACCESS MANAGEMENT STANDARDS - INTERCHANGE

In the event that traffic generated by a private development cannot be mitigated by the installation of traffic signals, additional lanes, or a combination

thereof, a grade-separated Interchange may be required at the expense of the Permittee.

14-20. ACCESS STANDARDS - GENERALLY

Traffic signals, median openings, Access Units and any other transportation improvements on any Planned Access Roadway must be approved by the Permitting Agency. Furthermore, the Permitting Agency may require additional or further measures or improvements at any time, including changes to existing Access Units and traffic control devices.

The access standards, obligations and provisions of this Article are independent of, and supplementary to, any contractual obligations or restrictions that may burden any Site or Lot, and any action taken by the Permitting Agency and/or the Traffic Consultant shall not relieve the Applicant or Permittee from complying with any or all of said contractual obligations and restrictions on the Site or Lot.

14- 21. APPLICATIONS - CONNECTION PERMIT REQUIRED

All new connections, and all substantial connection changes made to existing connections or roadway improvements made to any road connecting to a Planned Access Roadway, shall require a connection permit in addition to any other permits required by federal, state or local law.

14-22. CONNECTION PERMITS - WHEN ISSUED

Connection permits may be issued after, or in conjunction with, site plan or development approval by the City of Foley.

14-23. CONNECTION PERMITS - APPLICATION FOR

Applications for connection Access Permits shall be made at the office of the _____ and shall be made on the forms provided. In addition to completing the forms, the Applicant shall be required to: (1) pay the application fee; (2) provide site plans and drawings; (3) provide traffic data and the results of traffic studies; and (4) provide other connection and roadway information as described in this Article. All connection and roadway design documents, which may include traffic signals, auxiliary lanes, or modifications to the median and the traveled way, shall bear the dated seal and signature of a registered Professional Engineer, qualified in the area of traffic/transportation engineering.

14-24. CONNECTION PERMIT APPLICATIONS - ADDITIONAL INFORMATION REQUIRED

Additional information required for all permit applications include:

- a.) Trip Generation Data: The Applicant, or his representative, will estimate daily traffic volumes by development phase as well as the Peak Hour trip generation. The Peak Hour will be proposed at the time of application or conceptual review based on the most critical hour for the proposed property use. Estimates shall be made in

accordance with the 5th Edition, Trip Generation Report, published by the Institute of Transportation Engineers, Washington, D.C., or other generally accepted professional practice. The Traffic Consultant will review trip generation data submitted by the Applicant for accuracy and appropriateness, and may request that additional trip generation analysis be performed by a registered Professional Engineer qualified in the area of traffic/transportation engineering if the information provided requires supplemental support.

- b.) Site Plan: Each site plan submitted with the application for a connection shall include any physical features or natural features which may have an impact on circulation and sight distance on a Planned Access Roadway.

14-25. ACCESS STANDARDS - MEDIAN OPENING REQUESTS

Median openings may be allowed, upon request, for new connections and for changes or modifications to existing connections. Requests for all median openings shall be reviewed in the same manner as connection permit applications, and may be reviewed simultaneously with the same.

14-26. APPLICATIONS - TRAFFIC STUDY REQUIREMENTS

The following traffic study requirements apply to any application for a new median opening, a modification to an existing median opening, or an Access Unit requiring a traffic signal:

- a.) Critical Peak Hour turning movements from each proposed connection in graphic form.
- b.) Traffic Study Proposal: The Applicant must submit a "Traffic Study Proposal" that contains the calculations and analysis necessary to determine if a traffic study will be required. The proposal will include the trip generation estimates as stated in Section 14-24 of this Article.
- c.) If a traffic study is required, then the "Traffic Study Proposal" shall identify how each of the following subjects will be addressed, as recommended by the Traffic Consultant:
 - Extent of study (Intersections, weaving areas, ramps, and road segments to be analyzed using recognized traffic engineering principles)
 - Traffic hours to be examined (A.M. peak, P.M. peak, weekend peak, facility hour, etc.)
 - Time horizons to be examined (build year for each phase, area transportation horizon year, etc.)
- d.) The extent of the study area will be determined on the rationale expressed by the Traffic Consultant and presented by the Applicant

in the "Traffic Study Proposal" with regard to the extent of the study area. The traffic study may range from a cursory review to a detailed study with reasonable latitude for the engineer to tailor the traffic analysis to the specific situation. The specific detail and content of the report will vary depending upon existing and projected traffic volumes, highway capacity and congestion levels, and safety data.

- e.) If the Traffic Consultant determines that more traffic analysis is needed than what is proposed in the Applicant's Traffic Study Proposal, the Traffic Consultant shall request the additional information based on good cause and justification. Such cause or justification may include extreme traffic congestion, or other concerns.
- f.) Any traffic study (except a cursory analysis, such as an indication of Peak Hour movements from the Applicant's site) must be signed and dated by a registered Professional Engineer qualified in the area of traffic/transportation engineering. All work submitted by the Professional Engineer will be reviewed by the Traffic Consultant.

14-27. CONNECTION PERMITS - DURATION

Construction shall be completed within one year of the date the connection permit is issued, unless otherwise provided in the permit. Once expired, a permits cannot be extended or revived, and a new permit must be applied for.

**14-28. CONNECTION PERMIT MODIFICATION, REVOCATION AND
CLOSURE OF PERMITTED CONNECTIONS**

The Permitting Agency can initiate action to revoke or restrict any permit:

- a.) If the connection was not constructed at the location or to the design specified in the permit;
- b.) If the permit provisions are not met by the Permittee;
- c.) If the connection causes a safety or operational hazard on a Planned Access Roadway substantiated by an engineering study prepared by the Traffic Consultant. Such engineering study shall consider the following:
 - Any documents, reports, or studies obtained by the property owner and provided to the Permitting Agency;
 - Accident analysis directly involving the access points or similar access points, or a traffic conflicts analysis of the site;
 - What impacts, if any, will the closure, modification, or revocation, have on maintenance or safety on the Planned Access Roadway;
 - What impacts, if any, will the closure, modification, or revocation, have on traffic patterns and circulation on the Planned Access Roadway; and
 - Considerations and development of alternative solutions proposed by the Applicant.

The Traffic Consultant shall conduct an on-site review with the property owner or the owner's representatives.

- d.) The Permittee, assignee, or current user of the permit shall be responsible for the costs of correcting deficiencies and the closure due to Revocation.

14-29. TEMPORARY CONNECTIONS

Temporary connections may be permitted, upon request, but only for a limited period of time, for a specified use, and for a specific estimated traffic volume. Such uses may include land clearing or construction activity. The Permitting Agency reserves the right to remove any temporary connection in the event it violates the conditions imposed upon it. Granting approval for a temporary connection permit does not bind the Permitting Agency, in any way, to the future issuance of a connection permit at the temporary connection location, or otherwise. The Permittee shall remove, at the Permittee's own cost, the temporary connection at the end of the allowed period or upon request of the Permitting Agency.

14-30. VARIANCES

Variances from the provisions of this Article may be obtained in the event said provisions cannot reasonably be fully complied with and the proposed access will not materially hamper, restrict or alter traffic on a Planned Access Roadway. The Applicant for a variance shall submit proposed access plans to the Traffic

Consultant who shall recommend the granting or denial of the requested variance to the Permitting Agency, which shall follow the Traffic Consultant's recommendation.

14-31. VARIANCE - PROCEDURE

If any person or entity, whether public or private, requests changes or modifications to the access standards specified in this Article, or to the application of the same by the Permitting Agency and/or the Traffic Consultant, a variance may be requested. The Traffic Consultant will review the request for variance and rule on the same.

Where there is a Lot that cannot meet the Access Management Standards of this Article, and for which no reasonable means of access to another roadway exists, the Traffic Consultant will determine whether a Non-Conforming Use or Structure should be allowed.

14-32. RE-CLASSIFICATION

Re-classification can be requested by application through the variance procedure defined in this Article. A written request may be made to the Traffic Consultant to review a property's access requirements at any time. Such a request should include specific justification for the change being sought, and shall indicate the desired access being requested.

14-33. CONNECTION CONSTRUCTION

Connection permits authorize the initiation of construction of connections within a Planned Access Roadway, and the maintenance of connection(s) according to the permit provisions and the provisions of this Article. It is the responsibility of the Applicant or Permittee to obtain any other permits or agency approvals, including other permits issued by the City of Foley, that may be required before the initiation of the connection construction. The cost of all connection construction and related work shall be the responsibility of the Permittee.

14-34. CONSTRUCTION AND MAINTENANCE REQUIREMENTS

All construction and/or maintenance on a Planned Access Roadway shall conform to the Federal "Manual on Uniform Traffic Control Devices" (MUTCD), in addition to other applicable laws and regulations. For safety and operational purposes, the Traffic Consultant may recommend, and the Permitting Agency may require, restricted hours of construction to minimize disruption of traffic on the Planned Access Roadway. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on a Planned Access Roadway, the Permitting Agency shall advise the Permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

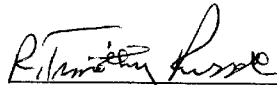
14-35. PERFORMANCE BOND

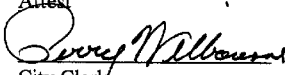
A performance bond will be required for all construction or other work to be performed within a Planned Access Roadway, as required by the Permitting Agency.

14-36. MAINTENANCE OF TRAFFIC CONTROL DEVICES

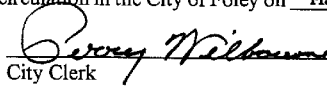
The maintenance and operation of highway lighting (if any), traffic signals, associated equipment, and other necessary devices shall be the responsibility of the Permitting Agency having jurisdiction of the equipment or devices. During the construction of the connection(s) and its provisions the Permittee may be required to operate, repair, replace or provide temporary maintenance if the above traffic control devices are affected by the Permittee's operations.

Adopted and Approved this the 25th day of May, 1999.

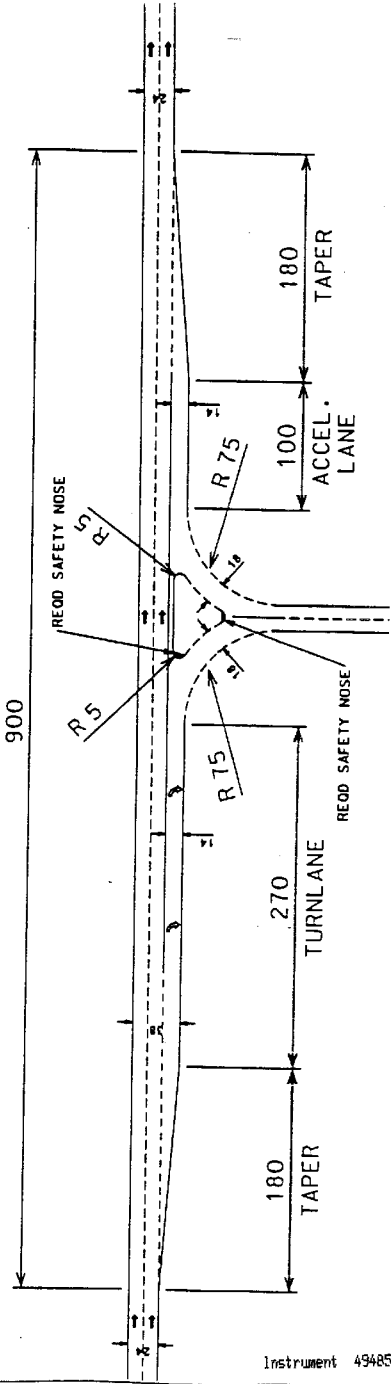

Presiding Officer

Attest

City Clerk

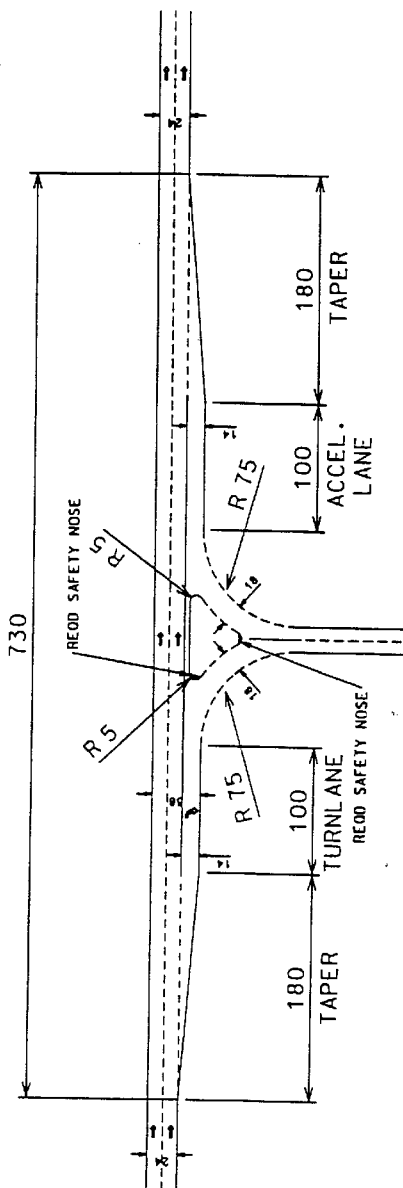
I do hereby certify that the foregoing, Ordinance Number 607-99
was published in The Onlooker, a
newspaper of general circulation in the City of Foley on May 29th, 1999.


City Clerk

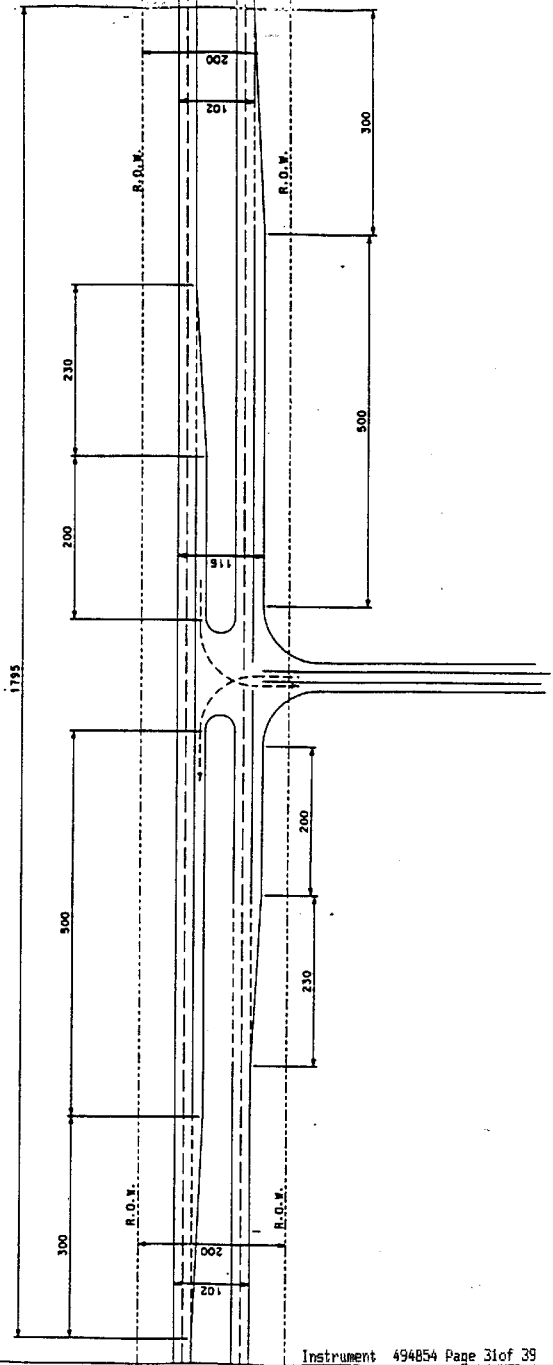
FOLEY - BEACH EXPRESS
TYPICAL ACCESS UNIT
("T" INTERSECTION)
EXHIBIT A



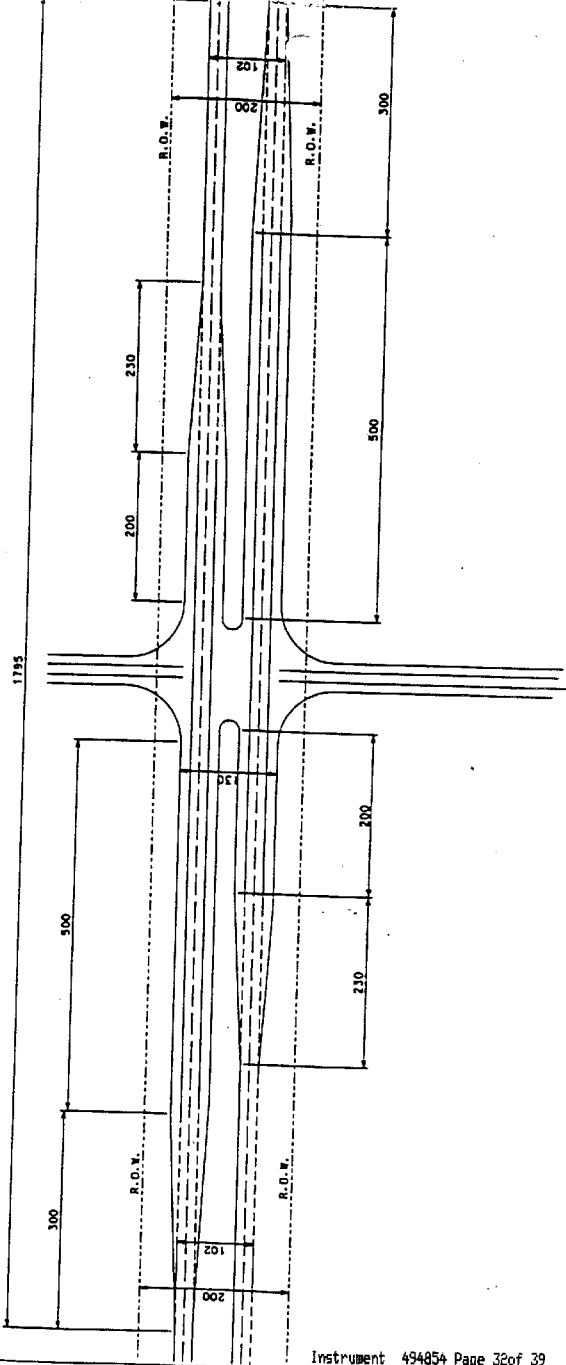
FOLEY - BEACH EXPRESS REDUCED TYPICAL ACCESS UNIT ("T" INTERSECTION) EXHIBIT B



FOLEY - BEACH EXPRESS TYPICAL CROSS-OVER ACCESS UNIT FOR 200' RIGHT OF WAY EXHIBIT D



FOLEY - BEACH EXPRESS
TYPICAL DUAL CROSS-OVER ACCESS UNIT
FOR 200' RIGHT OF WAY
EXHIBIT E



(b) Scope. This manual details the factors considered of primary importance in determining the need for signal control; describes various signal indications, intervals and sequences; and discusses the characteristics of several types of signal systems.

(1) The design, application, location, and operation of traffic signals lend themselves to a certain degree of standardization. This manual establishes basic principles for the use of signals and prescribes standards for such items as the number of indications and their position in the signal face, operating features, and the number and location of signal faces.

(2) Modification is permissible to the extent necessary to meet a specific situation. The modifications shall not, however, deviate from basic principles and standards except on authorization from the Department of Transportation.

270.4 Continuity of operation.

(a) Dark indication. Motorists approaching a traffic signal must presume that it is intended to function. If their controlling indications are not illuminated, they must presume, except in the case of ramp metering or automatic toll collection signals (see sections 275.6 and 275.7), that the reason is equipment failure.

(b) Stop-and-go operation. A traffic control signal, except as otherwise provided in this manual, should be operated as a stop-and-go device. A new signal may be operated in the flashing mode prior to operation as a stop-and-go device, to alert motorists to its presence.

PART 271

WARRANTS FOR TRAFFIC CONTROL SIGNALS

Sec.

- 271.1 Engineering considerations
- 271.2 Consideration of warrants
- 271.3 Warrant 1, minimum vehicular volume
- 271.4 Warrant 2, interruption of continuous traffic
- 271.5 Warrant 3, minimum pedestrian volume

Sec.

- 271.6 Warrant 4, school crossing
- 271.7 Warrant 5, progressive movement
- 271.8 Warrant 6, accident experience
- 271.9 Warrant 7, combination of warrants

Section 271.1 Engineering considerations.

(a) Basic data. The need for a traffic control signal should be determined by comprehensive investigation of prevailing traffic conditions, physical characteristics, and expected traffic conditions at the location. A thorough study is also desirable to obtain data for the proper design and operation of the signal. The data should be evaluated as a whole and should include:

(1) The number of vehicles entering the intersection each hour, from each approach, during at least eight hours of an average day. The period selected should include the eight hours during which the greatest amount of intersectional conflict occurs. An average day is one with traffic volumes representative of those which normally and repeatedly exist at the location. Usually it is necessary to collect more than eight hours of data to determine the eight critical hours.

(2) Pedestrian volumes on each crosswalk during the same hours as the vehicular counts in paragraph (1), and also during highest pedestrian volume hours. Where young or elderly persons need special consideration, pedestrians may be classified, by general observation, and recorded in age groups as under thirteen years, thirteen to sixty years, and over sixty years.

(3) The eighty-five percentile speed of vehicles on the uncontrolled approaches to the location.

(4) A condition diagram showing details of the physical layout and including such features as intersection geometrics, channelization, grades, sight-distance restrictions, bus stops and routings, parking conditions, pavement markings, street lighting, driveways, location of nearby railroad crossings, distances to nearest signals, utility poles and fixtures, and adjacent land use.

(5) A collision diagram showing accident experience, for at least one year, by type, location, direction of movement, severity, time of day, date, day of week, and weather and roadway conditions.

(b) Vehicular volumes. Vehicular volumes, for each traffic movement from each approach, should be classified by type (heavy trucks, passenger cars and light trucks, transit vehicles, etc.) during each fifteen minute period of the four hours during which total traffic entering the intersection is greatest. The following data are also desirable and may be obtained during the same four hours:

(1) Vehicle-seconds of delay, determined separately for each approach.

(2) The number and distribution of gaps in vehicular traffic on the artery when side road traffic finds it possible to use the intersection safely.

(3) The eighty-five percentile speed of vehicles on controlled approaches near the intersection, but at locations unaffected by the control.

(4) Pedestrian delay time for at least two thirty-minute peak pedestrian delay periods on an average weekday, or like periods on a Saturday or a Sunday.

(c) Geometric considerations. Adequate roadway capacity is desirable at a signalized intersection. Both artery and side road widening may be warranted to reduce delays caused by assignment of right-of-way at intersections controlled by traffic signals. Side road widening is often beneficial to operation on the artery because it reduces the signal time that must be assigned to side road traffic.

(1) In urban areas, the beneficial effect of widening may be achieved by prohibiting parking on intersection approaches.

(2) It is always desirable to have at least two lanes for moving traffic on each approach to a signalized intersection.

(3) Additional width may be necessary on the intersection exit, as well as on the approach, to clear traffic through the intersection effectively.

(4) Before an intersection is widened, the additional green time needed by pedestrians to cross the widened roadways should be checked to ensure that it will not exceed the green time saved through improved vehicular flow.

271.2 Consideration of warrants.

(a) General. Analysis of conditions at many traffic signal installations, coupled with the judgment of engineers with extensive traffic signal experience, has produced a series of warrants that outline minimum conditions under which a traffic control signal may be justified.

(b) Scope. The warrants in this part apply to all traffic control signals except ramp metering and toll collection signals. Selection of signal type at a specific location should be based on a thorough engineering study of the adaptability of the control to the traffic requirements. Normally, traffic-actuated signals are preferable to pre-timed signals, particularly where there are fluctuations in traffic conditions.

TABLE 271-1
MINIMUM VEHICULAR VOLUMES FOR WARRANT 1

NUMBER OF LANES FOR MOVING TRAFFIC ON EACH APPROACH (EXCLUDING AUXILIARY LANES)		VEHICLES PER HOUR ON ARTERY (TOTAL OF BOTH APPROACHES INCLUDING AUXILIARY LANES)	VEHICLES PER HOUR ON HIGHER-VOLUME SIDE ROAD APPROACH (ONE DIRECTION ONLY, INCLUDING AUXILIARY LANES)
ARTERY	SIDE ROAD		
1	1	500	150
2 or more	1	600	150
2 or more	2 or more	600	200
1	2 or more	500	200

271.4 Warrant 2, Interruption of continuous traffic.

(a) Application. The interruption of continuous traffic warrant applies where the traffic volume on an artery is so heavy that side road traffic suffers excessive delay or hazard in entering or crossing the artery. The warrant is satisfied when, for each of any eight hours of an average day, the traffic volumes in table 271-2 exist on the artery and higher volume side road approach to the intersection, and the signal installation will not seriously disrupt progressive traffic flow.

(b) Volume criteria. These artery and side road volumes are for the same eight hours, which need not be consecutive hours. During these eight hours, the direction of higher volume on the side road may be on one approach during some hours and on the opposite approach during other hours.

TABLE 271-2
MINIMUM VEHICULAR VOLUMES FOR WARRANT 2

NUMBER OF LANES FOR MOVING TRAFFIC ON EACH APPROACH (EXCLUDING AUXILIARY LANES)		VEHICLES PER HOUR ON ARTERY (TOTAL OF BOTH APPROACHES INCLUDING AUXILIARY LANES)	VEHICLES PER HOUR ON HIGHER-VOLUME SIDE ROAD APPROACH (ONE DIRECTION ONLY, INCLUDING AUXILIARY LANES)
ARTERY	SIDE ROAD		
1	1	750	75
2 or more	1	900	75
2 or more	2 or more	900	100
1	2 or more	750	100

(c) **Analysis factors.** An investigation of the need for a traffic control signal should include, where applicable, at least an analysis of the factors contained in the following warrants:

- (1) Warrant 1, minimum vehicular volume (section 271.3).
- (2) Warrant 2, interruption of continuous traffic (section 271.4).
- (3) Warrant 3, minimum pedestrian volume (section 271.5).
- (4) Warrant 4, school crossing (section 271.6).
- (5) Warrant 5, progressive movement (section 271.7).
- (6) Warrant 6, accident experience (section 271.8).
- (7) Warrant 7, combination of warrants (section 271.9).

(d) **Progressive movement.** An important consideration in determining whether to install a traffic control signal may be the signal spacing necessary for reasonable two-way progressive movement. A time-space chart should be prepared for the artery and used as a basis for identifying the side roads which best fit a time-space relationship between adjacent signals. This should be done prior to the installation of isolated signals which may not fit a future signal system. It may be advisable to install a signal at a nearby side road which fits such system, rather than at a side road which would not fit, if there are highways parallel to the artery so that traffic can readily divert to the signal.

(e) **Judgment.** The warrants should be used as guidelines. Engineering judgment must enter into any signal study. Certain types of traffic or facility may create confusion in evaluation. For the purposes of signal warrant investigation, for instance, a divided highway intersection should be evaluated as a single intersection. Bicycle traffic should be considered as pedestrian traffic for all warrants. Where a bicycle facility crosses a highway facility, however, bicycles may be considered as vehicles.

(f) **Compliance.** A signal, and all related traffic control devices used, shall be installed according to the standards in this manual. It is presumed that signal indications are properly phased, roadways are properly designed, adjacent traffic control signals are properly coordinated, there is adequate supervision of the operation and maintenance of the signal and all related devices, and the type of signal will be selected on the basis of engineering study and judgment.

271.3 Warrant 1, minimum vehicular volume.

(a) **Application.** The minimum vehicular volume warrant applies where the volume of intersecting traffic is the principal reason for consideration of a traffic control signal installation. The warrant is satisfied when, for each of any eight hours of an average day, the traffic volumes in table 271-1 exist on the artery and on the higher volume side road approach to the intersection.

(b) **Volume criteria.** These artery and side road volumes are for the same eight hours, which need not be consecutive hours. During these eight hours, the direction of higher volume on the side road may be on one approach during some hours and on the opposite approach during other hours.

(c) **Seventy percent warrant.** When the eighty-five percentile speed of artery traffic exceeds forty miles per hour, or when the intersection is within the built-up area of an isolated community having a population of less than ten thousand, the eight-hour maximum vehicular volumes are seventy percent of those in table 271-1.

(c) **Seventy percent warrant.** When the eighty-five percentile speed of artery traffic exceeds forty miles per hour, or when the intersection is within the built-up area of an isolated community having a population of less than ten thousand, the interruption of continuous traffic warrant minimum volumes are seventy percent of those in table 271-2.

271.5 Warrant 3, minimum pedestrian volume.

(a) **Application.** The minimum pedestrian volume warrant is satisfied when, for each of any eight hours of an average day, not necessarily consecutive hours, both the following volumes exist:

(1) On the artery, six hundred or more vehicles per hour enter the intersection (total of both approaches); or where there is a raised median island four feet or more in width, one thousand or more vehicles per hour (total of both approaches) enter the intersection on the artery; and

(2) During each of the same eight hours, at least 150 pedestrians cross the artery in the highest volume crosswalk.

(b) **Seventy percent warrant.** When the eighty-five percentile speed of artery traffic exceeds forty miles per hour, or when the intersection lies within the built-up area of an isolated community having a population of less than ten thousand, the minimum vehicular and pedestrian volumes are seventy percent of those in paragraphs (1) and (2) above.

(c) **Signal type.** A traffic control signal installed under this warrant at an isolated intersection should be traffic-actuated, with push buttons for pedestrians crossing the artery. If such a signal is within a signal system, it should be equipped and operated with control devices which provide proper coordination.

(d) **Pedestrian indications.** Signals installed under this warrant should be equipped with pedestrian indications conforming to requirements set forth in part 273 of this manual.

(e) **Mid-block locations.** Signals may be installed at mid-block locations provided the requirements of this warrant are met, and the related crosswalk is not within 150 feet of another signalized crosswalk. Vehicular parking should be prohibited for at least one hundred feet in advance of, and at least twenty feet beyond, the crosswalk.

(1) Phasing, coordination, and installation shall conform to the standards of this manual.

(2) At non-intersection locations, special attention should be given to signal head placement, and to the signs and markings used to make drivers aware of this special application.

271.6 Warrant 4, School crossing.

(a) **General.** The alternate gaps and platoons in the vehicular traffic stream form different patterns for each crossing location. A pedestrian should wait for a gap sufficient to permit crossing the roadway without interference from vehicular traffic. If delays between adequate gaps become excessive, children may become impatient and attempt to cross the roadway at inopportune times.

(b) **Criteria.** Analysis of potential hazard is necessary at any such location. Delay between adequate gaps may be considered excessive when the number of adequate gaps in the traffic stream during the period when children are using the crosswalk is less than the number of minutes in that same period. An adequate gap in traffic includes both perception-reaction time and the time needed to walk across the roadway without coming into conflict with passing vehicles.

(c) **Application.** A traffic control signal may be warranted at an established school crossing when a traffic engineering study of the frequency and adequacy of gaps in the vehicular traffic stream, as related to the number and size of groups of school children at the school crossing, shows that the number of adequate gaps during the period when children use the crossing is less than the number of minutes in the same period.

(d) Signal type and indications. When traffic control signals are installed solely under this warrant:

(1) Pedestrian indications shall be provided at least for each crosswalk established as a school crossing.

(2) At an intersection, the signal should be traffic-actuated, with push buttons for pedestrians crossing the artery. As a minimum, it should be semi-traffic-actuated, but full actuation with detectors on all approaches may be desirable. Intersection installations adaptable to progressive signal systems should be coordinated with adjacent signals.

(3) At a non-intersection crossing, the signal should be pedestrian-actuated. Parking and other visual obstructions should be prohibited for at least one hundred feet in advance of, and at least twenty feet beyond, the crosswalk. The installation should include suitable standard signs and pavement markings. Special police supervision and/or enforcement should be provided for a new non-intersection installation.

271.7 Warrant 5, Progressive movement.

(a) General. A traffic control signal may be justified at an intersection as part of a coordinated signal system, even though other warrants are not satisfied. If the signal would serve to sustain progressive movement and proper vehicle grouping at the system speed. Normally, such signals are not necessary if the distance in feet between signals is less than one-half the system cycle length in seconds multiplied by the system speed in feet per second. To the extent possible, signals in a system should approximate this spacing.

(b) Application. The progressive movement warrant is satisfied when:

(1) On a one-way roadway, or on a highway which has predominant traffic flow in one direction, the adjacent signals are so far apart that they do not provide the necessary degree of vehicle platooning and speed control, or

(2) On a two-way highway, adjacent signals do not provide the necessary degree of platooning and speed control, and the proposed and existing signals would constitute a progressive signal system.

(c) Speed and spacing. The installation of a signal under this warrant should be based on the eighty-five per centile speed, unless an engineering study indicates that another speed is more appropriate. Installation of a signal according to this warrant should not be considered where the resultant signal spacing would be less than one thousand feet.

271.8 Warrant 6, Accident experience.

(a) Application. The accident experience warrant is satisfied when:

(1) Adequate trial of less restrictive remedies with satisfactory observance and enforcement, has failed to reduce accident frequency, and

(2) Five or more reported accidents, of types susceptible of correction by a traffic control signal, have occurred within a twelve month period, and

(3) Vehicular and pedestrian traffic volumes are at least eighty percent of the requirements specified either in the minimum vehicular volume warrant, the interruption of continuous traffic warrant, or the minimum pedestrian volume warrant, and

(4) The signal installation will not seriously disrupt progressive traffic flow.

(b) Signal type. Any traffic control signal installed solely on the accident experience warrant should be semi-traffic-actuated with control devices which provide proper coordination, if installed at an intersection within a coordinated system. It should be full-traffic-actuated if installed at an isolated intersection.

(c) **Accident type.** Types of accidents have an important bearing on the need for signalization. However, installation of a signal because of one spectacular, or highly publicized, accident is not justified.

(1) Traffic control signals cannot be expected to reduce the following types of accidents:

- (i) Rear-end collisions (which usually increase after signalization).
- (ii) Collisions between vehicles proceeding in the same or opposite directions, where one turns across the path of the other, if no independent signal interval will be provided for these turn movements.
- (iii) Accidents involving pedestrians and turning vehicles, when both move during the same "go" interval.

(2) Traffic control signals, when obeyed by drivers and pedestrians, can be expected to reduce the number and severity of the following types of accidents:

- (i) Substantially right-angle collisions, or those involving conflicts between vehicles which approach on intersecting highways.
- (ii) Those involving conflicts between straight-moving vehicles and crossing pedestrians.
- (iii) Those involving straight-moving vehicles and left-turning vehicles approaching from opposite directions, if a protected left turn interval will be provided during the signal cycle for the left turn movement.

271.9 Warrant 7, Combination of warrants.

- (a) **Application.** In exceptional cases, signals may be justified where no single warrant is fully satisfied, but where at least two of warrants 1, 2, and 3 are satisfied to at least eighty percent of the normally required volumes.
- (b) **Alternatives.** Trial solutions which cause less delay and inconvenience to traffic, using remedial measures other than traffic control signals, should precede consideration of installing traffic control signals under this warrant.

PART 272

TRAFFIC CONTROL SIGNALS

Sec.

- 272.1 Terminology
- 272.2 General
- 272.3 Future needs
- 272.4 Display of traffic signal indications
- 272.5 Meanings of signal indications
- 272.6 Application of go indications
- 272.7 Application of change indications
- 272.8 Application of stop indications
- 272.9 Prohibited displays

Sec.

- 272.10 Signal lenses
- 272.11 Number of signal faces
- 272.12 Location of signal faces
- 272.13 Height of signal heads
- 272.14 Color of signal heads
- 272.15 Pedestrian signal heads
- 272.16 Operation
- 272.17 Type of control
- 272.18 Auxiliary features

Section 272.1 Terminology. For definitions of terms used in this part, see sections 200.6 and 270.1.

ORDINANCE NO. 715-02

An ordinance 1) amending City Code Chapter 14 Streets and Sidewalks, Article II Planned Access Roadways, Section 14-23. Connection Permits - Application for., by setting the permit fee amount and 2) adding a severability paragraph to Article II.

Whereas, Ordinance No. 607-99 was approved by the Foley City Council on the 25th day of May, 1999 adopting Article II, Planned Access Roadways and providing for an application fee for connection access permits but the amount of the fee was not specified, and

Whereas, this ordinance will now set the fee amount by deleting certain wording and inserting new wording that contains the fee amount of \$300 and,

Whereas, a severability clause shall be inserted as the last section of Article II.

Now Therefore Be It Resolved by the City Council of Foley meeting in regular session the 21st day of January 2002 that:

Section 1. City Code Chapter 14 Streets and Sidewalks, Article II Planned Access Roadways, Section 14-23. Connection Permits - Application for., delete the following: (1) *pay the application fee.*

Section 2. Section 14-23 is hereby amended to read as follows:
Applications for connection access permits shall be made at the office of the permitting agency and shall be made on the forms provided. In addition to completing the forms, the applicant shall be required to: (1) pay the application fee of \$300.00; (2) provide site plans and drawings; (3) provide traffic data and the results of traffic studies; and (4) provide other connection and roadway information as described in this article. All connection and roadway design documents, which may include traffic signals, auxiliary lanes, or modifications to the median and the traveled way, shall bear the dated seal and signature of a registered professional engineer, qualified in the area of traffic/transportation engineering.

Section 3. Section 14-37. Severability - If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

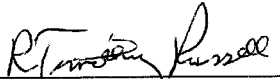
State of Alabama - Baldwin County
I certify this instrument was filed
and taxes collected on:

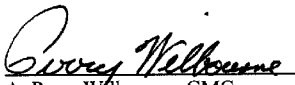
2002 February -12 1:11PM

Instrument Number 62278 Pages 2
Recording Fee \$1.00 Mortgage
Deed Min Tax
Index \$0.00
Archive \$0.00
Gladys T. Johns, Judge of Probate

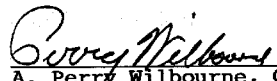
642378

Passed, Adopted, and Approved this 21st day of January, 2002.


R. Timothy Russell
Mayor


A. Perry Wilbourne, CMC
City Clerk/Administrator

"I certify that the foregoing Ordinance was published in the
Foley Onlooker, a newspaper of general circulation in the
City of Foley, in its issue of February 2, 2002.


A. Perry Wilbourne, CMC
City Clerk/Administrator