

**CITY OF GAUTIER
MEMORANDUM**

TO: Mayor and City Council

FROM: Dante Elbin *DET*
Chief of Police

THRU: Samantha Abell
City Manager

DATE: July 27, 2015

SUBJECT: Traffic Study (Gautier-Vancleave Road School Zone)

REQUEST:

The Gautier Police Department is seeking authorization from the City Council to adopt the 40 mph speed within the designated school zones on Gautier-Vancleave road.

BACKGROUND:

The Gautier Police Department received numerous complaints concerning the traffic congestion on Gautier-Vancleave Road during the morning rush hour traffic. The complaints prompted the department to launch a (temporary) traffic study concerning the Gautier-Vancleave Road school zone in April, 2015.

DISCUSSION:

The Gautier Police Department has sought opinions from the Attorney General and reviewed Mississippi State Statute as it relates to changing speed zones within a municipality. We have attached a copy of Mississippi State Statute (63-3-511), (63-3-515), (63-3-305) and Attorney General opinion (2000-0565).

RECOMMENDATION:

The City Council adopt by order to increase the Gautier-Vancleave school zone from 25 mph to the proposed 40 mph.

ATTACHMENTS:

Traffic Study

Gautier Police Department

Captain Vincent Nicholson

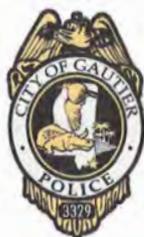
On 4/21/2015, The Gautier Police Department launched a (temporary) traffic study concerning the Gautier-Vancleave school zone. The study lasted for 27 actual school days, and concluded when students were dismissed for the summer on May 27th. The Gautier Police Department was interested in researching an alternative way to create a more efficient zone for travelers within the area. The speed zone was changed from 25 to 40 miles per hour. There are several questions we considered during this study:

1. Does increased speed lower safety for children, school staff, and all motorist that pass through the affected area?
2. How can the traffic be more free flowing and efficient?
3. Are there any current or future walkers to and from the zone?
4. Are the flashing yellow lights required by law?
5. Who has the right to modify speed limits in a school zone?
6. What is the difference in fines for a school zone speeding violation in relation to not having the school zone in place?
7. What is the public opinion of the traffic study?

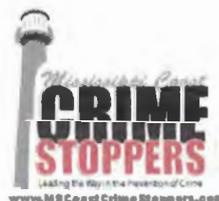
The School Zone is approximately .6 miles long on Gautier-Vancleave road. It spans from Rolling Meadows Drive to Indian Point Road. The zone is considered active two (2) times a day, (7:00 - 8:00 a.m. & 2:00 - 3:40 p.m.) Monday - Friday, while school is in session. The speed limit is 40 mph on Gautier-Vancleave Road. The school zone was set at 25 mph. This zone was designed for Gautier High School and Singing River Academy, however neither school is close to the main thoroughfare of Gautier-Vancleave Road. The closest school would be Singing River Academy, which is .11 miles from the Gautier-Vancleave Roadway.

There are no students walking to and from either school. Since the study began we have noticed the flow of traffic (within the school zone area) has become more efficient and timely (no accidents have occurred in relation to the raised mile per hour). When the school zone was posted at 25 mph we had regular congestion in the southbound lane due to citizens traveling to work, school and the college.

The 40 mph school zone is being monitored by police officers to insure safety. Officers are required to remain in the area during school zone hours and are strictly enforcing the 40 mph zone. The Gautier Municipal Court has a set fine for speeders within a school zone of \$247.00, the standard fine for speeding (1-9 over the posted limit) is \$197.00. Citizens are alerted of the school zone by use of school zone signs and flashing yellow lights.



3329 Hwy 90
Gautier, MS 39553
(228) 497-2486 / Fax (228) 497-8013



Gautier Police Department

Captain Vincent Nicholson

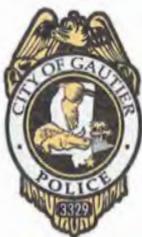
The lights are not required by law, but are used to insure safety and warn motorist a school zone is active in the area. Mississippi State Statute (63-3-305) states flashing lights are at the discretion of the local government. It is only required that any signs used be in compliance with Mississippi Department of Transportation State Manual Standards. Mississippi State Statute (63-3-511) states that local government has the authority to modify speed limits of a school zone. Mississippi State Statute (63-5-511) also states the school zone cannot be less than 15 mph or higher than 55 mph. I have attached a copy of the governing laws and Mississippi Attorney General's opinion if additional information is required.

I would recommend that the school zone remain at 40 miles per hour. At the conclusion of this study, it is evident that the increase has eased the congestion issues that have plagued the area for many years. There is no evidence that the increase has negatively impacted public safety. I have attached testimonials from several citizens who favor the change, and the Gautier Police Department also posted the issue on Facebook for citizens to have a say. There are two separate postings on Facebook. Collectively a majority of replies to the posting were in support of the speed limit change. My conclusion is that the majority of the citizens that commented find the change acceptable.

Respectfully:

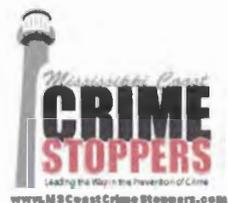
Captain Vincent Nicholson

Captain Vincent Nicholson
Gautier Traffic Captain



3329 Hwy 90
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(228) 497-2486 / Fax (228) 497-8013

Official Use Only



§ 63-3-511. Modification of speed limits by local authorities; establishment of speed limits upon roads of correctional facilities; modification of local limits to conform to lower limits established by state highway commission

Whenever local authorities, including boards of supervisors, within their respective jurisdictions, determine upon the basis of an engineering and traffic investigation that the speed permitted under this article on any street, or any county road or any portion thereof, or at any intersection is greater than is reasonable or safe under conditions found to exist upon such street, or any county road or any portion thereof, or at such intersection, such local authorities shall determine and declare, by ordinance, a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice thereof are erected on such street, or any county road or any portion thereof, or at such intersection, or upon the approaches thereto. However, no speed limit shall be fixed by any such local authorities at less than fifteen (15) miles per hour.

The Commissioner of Corrections is authorized to establish by regulation reasonable and safe speed limits upon the roads of the correctional facilities under his jurisdiction which shall be effective when appropriate signs giving notice thereof are erected. Speed limits may be based upon road or traffic conditions or upon security considerations.

Provided, however, that whenever the State Highway Commission shall, pursuant to Section 63-3-503, lower the maximum speed limit in response to federal laws, regulations or guidelines for purposes of energy conservation, local authorities, including boards of supervisors, shall immediately lower maximum speed limits on local highways, not to exceed a maximum speed of fifty-five (55) miles per hour.

HISTORY: SOURCES: Codes, 1942, § 8177; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 2; Laws, 1956, ch. 397; Laws, 1960, ch. 208; Laws, 1974, ch. 321; Laws, 1986, ch. 485, § 2, eff from and after passage (approved April 15, 1986).

Miss. Code Ann. § 63-3-511

§ 63-3-515. Speed limits near schools and churches, upon levees and causeways, and in other designated special zones

The boards of supervisors of counties and the governing authorities of municipalities are hereby authorized to adopt by order or resolution and to enforce within their respective territorial boundaries the maximum legal rate of speed at which a motor vehicle may be run or operated along any public street, road, highway (except state-maintained highways), or portion thereof in the vicinity of schools and churches, upon levees and causeways and in other special zones which the board or governing authorities may designate. The rate of speed so established shall be determined upon the basis of an engineering and traffic study. The order or resolution setting such speed limits may provide that such limits are only effective during specified times of the day, days of the week and months of the year.

HISTORY: SOURCES: Codes, Hemingway's 1917, § 5776; 1930, § 5570; 1942, § 8060; Laws, 1916, ch. 116; Laws, 1986, ch. 353, eff from and after July 1, 1986.

Miss. Code Ann. § 63-3-515

2000 WL 1511936 (Miss.A.G.)

Office of the Attorney General
State of Mississippi

Opinion No. 2000-0565

September 29, 2000

Re: Municipal Authority Regarding Speed Limits and Traffic Control Devices

Malcolm F. Jones
City Attorney
Post Office Drawer 368
Pass Christian, Mississippi 39571-0368

Dear Mr. Jones:

Attorney General Mike Moore has received your request for an official opinion and has assigned it to me for research and response. Your letter states as follows:

I am the City Attorney for the City of Pass Christian. Please provide a written Opinion on the following questions:

1. Can the City set a speed limit of less than 15 mph in the vicinity of schools or special zones, e.g. near Small Craft Harbor? In reference to this question, please review MCA Section 63-3-511 and MCA 63-3-315.
2. Is the City required to follow the State Manual concerning specifications for traffic control devices to determine the location of devices, such as stop signs? Or, is the City required to follow the Manual only as it pertains to the specifications for the size, shape, color, and content of the signs? In reference to this question, please refer to MCA Section 63-3-305.

Your questions will be answered in the order in which they were presented.

1. Section 63-3-511 reads, in pertinent part, as follows:

Whenever local authorities. . . within their respective jurisdictions, determine upon the basis of an engineering and traffic investigation that the speed permitted under this article on any street. . . or at any intersection is greater than is reasonably safe under conditions found to exist upon such street. . . or at such intersection, such local authorities shall determine and declare, by ordinance, a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice thereof are erected on such street. . . or at such intersection, or upon the approaches thereto. However, no speed limit shall be fixed by any such local authorities at less than fifteen (15) miles per hour.

But, Section **63-3-515** provides that:

The boards of supervisors of counties and the governing authorities of municipalities are hereby authorized to adopt by order or resolution and to enforce within their respective territorial boundaries the maximum legal rate of speed at which a motor vehicle may be run or operated along any public street, road, highway (except state-maintained highways), or portion thereof in the vicinity of schools and churches, upon levees and causeways and in other special zones

which the board or governing authorities may designate. The rate of speed so established shall be determined upon the basis of an engineering and traffic study. The order or resolution setting such speed limits may provide that such limits are only effective during specific times of the day, days of the week and months of the year.

Reading Section 63-3-511 in *pari materia* with Section **63-3-515**, it appears that the intent of the Legislature was to ensure that no municipality or county established any generally applicable speed limit or zone at less than fifteen (15) miles per hour. All prerequisites, including traffic and engineering studies, must be performed prior to the enactment of an ordinance establishing a "special zone" speed limit.

2. Section 63-3-305 reads:

Local authorities in their respective jurisdictions shall place and maintain such traffic control devices up highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or provisions of local traffic ordinances, or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the state highway commission.

Our office interprets this section to place the duty upon local authorities to determine the necessity of traffic control devices on streets within their jurisdiction, and to determine the placement of same in conformity with state rules. The only exception to this would be highways which may be located within the boundaries of the local government, but which are under the jurisdiction of the of the commissioner of public safety and the state highway commission pursuant to Section 63-3-303. To ensure uniformity, all such traffic control devices erected by governing authorities must meet the specifications set forth in the state manual.

If our office may be of further assistance, please advise.

Sincerely,

Mike Moore
Attorney General

Heather P. Wagner
Special Assistant Attorney General

END OF DOCUMENT

Link:

<http://weblinks.westlaw.com/result/default.aspx?action=Search&cfid=1&cnt=DOC&db=MS%2DAG&eq=search&fmqv=c&fn=%5Ftop&method=WIN&n=1&origin=Search&query=63%2D3%2D515&rlt=CLID%5FQRYRLT23191729612&rltdb=CLID%5FDB52863629612&rti=1&rp=%2Fsearch%2Fdefault%2Ewl&rs=WEBL2%2E92&service=Search&sp=msag%2D1000&srch=TRUE&ss=CNT&sskey=CLID%5FSSA90879629612&vr=2%2E0>

Vincent Nicholson

Gautier Residents:

The City of Gautier is currently conducting a study of the school zone area at Gautier Vancleave Roadway. This study is an attempt to ease the traffic congestion during school zone hours, and includes an increase in the posted speed from 25 to 40 mph. Please continue to drive safely, and if any questions please feel free to contact the Gautier Police Department at 228-497-2486.

Thank you

Captain Vincent Nicholson
City of Gautier Police
3329 hwy 90
Gautier, Ms 39553
Office-228-497-7518
Cell-228-219-3845
Fax-228-497-8018

Vincent Nicholson

From: Mark Rodriguez <mrodriguez@gautier-ms.gov>
Sent: Monday, April 27, 2015 2:54 PM
To: vnicholson@gautier-ms.gov
Subject: FW: School Zone

From: Pam Rone [mailto:prone@psd.ms]
Sent: Monday, April 27, 2015 12:04 PM
To: mrodriguez@gautier-ms.gov
Subject: School Zone

Mr. Rodriguez,
Since Singing River Academy does not have any walkers or bike riders to and from school, I do not see any issue with maintaining the 40 mph in school zones. I appreciate you providing us the opportunity to voice our thoughts and concerns.

Pamela W. Rone
Singing River Academy
Principal
522-8835

Vincent Nicholson

From: Sergeant Mark Rodriguez <mrodriguez@gautier-ms.gov>
Sent: Friday, April 24, 2015 5:27 PM
To: Chief Dante Elbin
Cc: Vincent Nicholson
Subject: Fwd: School zone speed limit

Sent from my personalized C Spire Galaxy S 4

----- Original message -----

From: Cynthia Ware
Date: 04/24/2015 15:14 (GMT-06:00)
To: mrodriguez@gautier-ms.gov
Subject: School zone speed limit

Sergeant Rodriguez -
I think the school zone speed limit change is working great. Everyone seems to be catching on.
Thank you very much.

--

Cynthia L. Ware
Assistant Principal
Gautier High School
(228) 522-8784

Vincent Nicholson

From: Sergeant Mark Rodriguez <mrodriguez@gautier-ms.gov>
Sent: Friday, May 01, 2015 2:41 PM
To: Vincent Nicholson
Cc: Chief Dante Elbin
Subject: Fwd: 40 MPH School Speed Zone

Sent from my personalized C Spire Galaxy S 4

----- Original message -----

From: "Stephanie L. Brown"
Date: 05/01/2015 12:09 (GMT-06:00)
To: Mrodriguez@gautier-ms.gov
Subject: 40 MPH School Speed Zone

I love it! The traffic flow is much better...when people actually pay attention to the new speed limit. :) I think **this was a great change!**
Thank you very much!

--

Stephanie Brown
Guidance Counselor
TST Chair
Gautier Middle School
slbrown@psd.ms
(228) 522-8806

Vincent Nicholson

From: Sergeant Mark Rodriguez <mrodriguez@gautier-ms.gov>
Sent: Friday, May 01, 2015 8:35 AM
To: Vincent Nicholson
Cc: Chief Dante Elbin
Subject: Fwd: 40 mph School Zone

Sent from my personalized C Spire Galaxy S 4

----- Original message -----

From: Stacy Lawrence
Date: 05/01/2015 08:10 (GMT-06:00)
To: Mrodriguez@gautier-ms.gov
Subject: 40 mph School Zone

I have been traveling the Gautier-Vancleave Road school zone for 10 years and I am glad to see the 40 MPH limit. I have actually been making it to work on time after dropping off my kids at 3 different schools. Traffic is smoother. Hats off to Gautier PD for changing this!

Stacy Lawrence, M.Ed., ICT2, IC3
Gautier Middle School
1920 Graveline Rd.
Gautier, MS 39553
228-522-8806

“Education is the most powerful weapon which you can use to change the world.”
-Nelson Mandela

Vincent Nicholson

From: Mark Rodriguez <mrodriguez@gautier-ms.gov>
Sent: Tuesday, April 28, 2015 1:34 PM
To: vnicholson@gautier-ms.gov
Subject: FW: School Zone

From: kayla graham [mailto:kaylamgraham@yahoo.com]
Sent: Tuesday, April 28, 2015 12:57 PM
To: mrodriguez@gautier-ms.gov
Subject: School Zone

I just would like to tell you how happy I am that the school zone speed has changed on Gautier Vancleave Rd. For those of us that live in north Gautier that have to get down to Hwy. 90 in the mornings this change is an absolute blessing. I for one drive a carpool for kids that live in Hickory Hills and have to go to the middle school this change has allowed us to not have nearly as much trouble with having the traffic backed up every morning and are able to get to school in plenty of time. Everything just seems to flow much easier now.

Thank you
Kayla Sutherland



VIDEOS



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Gautier Police Department
Published by Mateo Hoggard (P) April 24

Why the traffic study for the Gautier Vancleave School Zone?

The speed limit is 40 mph on Gautier Vancleave Road, with the average speed of 45-50 mph when there is no officer present to enforce the limit. The problems and complaints stem from the traffic flow from the north, traveling south from Vancleave, the interstate and North Gautier. Most of these people are trying to get to work, school or college during the morning rush hour. The issue arises when all the traffic is funneled into a 25 mph school zone that is just short of a quarter of a mile long. The school zone lights turn on at 7 a.m and turn off at 8 a.m slowing traffic by 38% from 40 mph to 25 mph. During this one hour period of time, traffic is significantly backing up on this main thoroughfare due to the doubling of the traffic volume and the abrupt reduction in speed. I believe that if you remove the speed reduction of this school zone it will allow for a greater number of vehicles to pass through this portion of Gautier Vancleave Road in less time, thus reducing the traffic congestion that we experience every morning. By allowing the school zone flashing lights to remain in operation from 7 a.m until 8 a.m, during this school zone period, it will remind drivers to be cognizant that there are children traveling to and from the schools located in this area, while allowing vehicles to flow at our normal posted speed. Even though the speed in this zone has increased, it is still considered a school zone, and increased penalties for violations in a school zone will still apply.

Please remember, this is only a trial period and is subject to change pending the final recommendation by our city council.

Thank you.
Dante Elbin
Chief of Police
City of Gautier, MS
(Office) 228-497-2486
delbin@gautier-ms.gov

471 people reached

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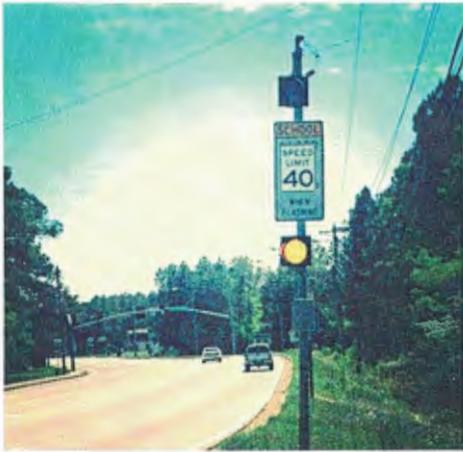
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Post Details

Gautier Police Department
Published by Mateo Hoggatt (7) · April 21 · Edited

The City of Gautier is currently conducting a study of the school zone area on Gautier Vancleave Road. This study is an attempt to ease traffic congestion during school zone hours and includes an increase in the posted speed from 25 to 40 miles per hour. Please continue to drive safely and contact us if you have any questions at 228-497-2486 Gautier Police Department #GPDnews #crimeprevention



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149 Likes, Comments & Shares

64 Likes	38 On Post	26 On Shares
42 Comments	22 On Post	20 On Shares
43 Shares	42 On Post	1 On Shares

725 Post Clicks

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