

Reso.

2012-0443

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV

RESOLUTION NO. 5964

A resolution requesting the Louisiana Attorney General to provide its opinion as to whether the St. Charles Parish Council can legally pass ordinances to install 3-way and 4-way stop signs without having met the requirements that "should" be met for their use per the Manual on Uniform Traffic Control Devices (MUTCD).

WHEREAS, the Louisiana R.S. 32:235 in part states "Local municipal and parish authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Chapter, regulations of the department and commissioner adopted pursuant hereto, and local traffic ordinances adopted pursuant to the authority granted by R.S. 32:41 and R.S. 32:42. All such traffic control devices hereafter erected shall conform to the department's manual or specifications"; and,

WHEREAS, St. Charles Parish has adopted the Manual on Uniform Traffic Control Devices (MUTCD) with regards to traffic control; and,

WHEREAS, St. Charles Parish periodically wishes to install 3-way and 4-way stop signs at various locations where a 2-way traffic parish side street butts into another 2-way traffic parish street and where one 2-way traffic parish street crosses another 2-way traffic parish street; and,

WHEREAS, With regards to stop signs, the MUTCD, amongst other things, states: "Engineering judgment **should** be used to establish intersection control", "...STOP signs **should** be used at an intersection if one or more of the following conditions exist...", "...STOP signs **should** be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches and where one or more of the following conditions exist...", "...STOP signs **should** not be used for speed control", "Section 2B.07 contains provisions regarding the application of multi-way STOP control at an intersection. Guidance: Once the decision has been made to control an intersection, the decision regarding the appropriate roadway to control **should** be based on engineering judgment...", "...STOP sign **should** not be installed on the higher volume roadway unless justified by an engineering study".

NOW, THEREFORE, BE IT RESOLVED, THAT WE THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, the St. Charles Parish Council requests an Attorney General's opinion as to whether the Parish Council can legally pass ordinances to install 3-way and 4-way stop signs without having met the requirements that "should" be met for their use per the adopted Manual on Uniform Traffic Control Devices (MUTCD).

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, WILSON, TASTET, BENEDETTO, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: FAUCHEUX

And the resolution was declared adopted this 17th day of December, 2012, to become effective five (5) days after publication in the Official Journal.

Atty General MUTCD 12-12-12

CHAIRMAN: _____
SECRETARY: Diffany K Clark/cdm
DLVD/PARISH PRESIDENT: 12/18/12
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: [Signature]
RETD/SECRETARY: 10/20/12
AT: 9. OSa RECD BY: [Signature]