

ORDINANCE NO. 25-XXX

AN ORDINANCE ESTABLISHING A TEMPORARY REGULATORY CONSTRUCTION SPEED LIMIT ON STATE HIGHWAY 195 (FORT HOOD STREET), FROM MILE POINT 11.676 TO MILE POINT 13.053 WITHIN THE CITY OF KILLEEN, FOR THE DURATION OF A ROADWAY IMPROVEMENT PROJECT BY THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; PROVIDING FOR A MAXIMUM PENALTY OF TWO HUNDRED DOLLARS, EXCEPT THAT THE MAXIMUM PENALTY SHALL BE FOUR HUNDRED DOLLARS IF AN OFFENSE OCCURS WHEN WORKERS ARE PRESENT; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Killeen is a Texas Home-Rule Municipality and has the exclusive control over and under the public highways, streets, and alleys within the City, as established by Texas Transportation Code, Section 311.001; and

WHEREAS, the Texas Department of Transportation is in the process of developing a roadway improvement project within the City of Killeen on State Highway 195 (Fort Hood Street) that will require construction; and

WHEREAS, the City Engineer of the City of Killeen, having given consideration to safe stopping sight distances, construction equipment crossings, the nature of the construction project, and other factors which affect the safety of the traveling public and construction workers, has determined and recommended that a temporary regulatory construction speed limit should be established for the duration of the construction on all lanes of State Highway 195 (Fort Hood Street) beginning at Mile Point 11.676 and concluding at Mile Point 13.053 within the Killeen City Limits; and

WHEREAS, the City Council finds and determines, based upon the above-mentioned determinations and recommendations of the City Engineer, that a temporary regulatory construction speed limit should be established on said portion of State Highway 195 (Fort Hood Street) as hereinafter set out in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That during the construction of the State Highway 195 (Fort Hood Street) improvements, no person shall drive a vehicle at rate of speed in excess of the temporary regulatory construction speed limit set out herein. The temporary regulatory construction speed limit specified in this Section shall be lawful, but any speed in excess of a limit specified in this Section shall be prima facie evidence that the speed is not reasonable and prudent and is unlawful, to wit:

During periods of construction from August 1, 2025 to March 31, 2026, beginning at Mile Point 11.676 and concluding at Mile Point 13.053 within the Killeen City Limits, proceeding in the northerly and southerly direction on Hwy 195, the maximum speed limit shall be 55 m.p.h. in the northerly and southerly travelling direction for a distance of 1.377 miles.

The City Engineer of the City of Killeen is hereby authorized and directed to designate said temporary regulatory construction speed limit. The temporary regulatory construction speed limit set out in this Section shall be effective during the period of construction and shall terminate when construction is completed as determined by the City of Killeen. Upon termination of the temporary regulatory construction speed limit, the speed limit at any location described in this Section shall be the speed limit applicable to said location that existed immediately preceding the establishment of the temporary regulatory construction speed limit.

SECTION II. That the temporary regulatory construction speed limit established above is based upon the determinations and recommendations of the City Engineer of the City of Killeen.

SECTION III. That the City Engineer is hereby authorized and directed to elect and install appropriate signs and markings at the designated locations commensurate with the provisions of this ordinance.

SECTION IV. That any person violating the prima facie speed limit established by this Ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) or more than Two Hundred Dollars (\$200.00), except that if the offense is committed in a construction maintenance work zone when workers are present and the

written notice to appear issued for the offense states on its face that workers were present when the offense was committed, then the person shall, upon conviction, be punished by a fine of not less than Two Dollars (\$2.00) or more than Four Hundred Dollars (\$400.00), as fully prescribed by Sections 472.022 and 542.404 of the Texas Transportation Code.

SECTION V. That all existing ordinances, or any part thereof, in conflict with this Ordinance are hereby expressly repealed. Not repealed, amended, or in any way affected by this Ordinance are those ordinances establishing speed limits in school zones or school crossings.

SECTION VI. That repeal of the ordinances, or parts of ordinances, effectuated by the enactment of this Ordinance shall not be construed as abating any actions pending under or by virtue of such ordinances; or as discontinuing, abating, modifying or altering any penalty accruing or to accrue; or as affecting the liability of any person, firm or corporation; or as waiving any right of the municipality under any section or provision existing at the time of the passage of this Ordinance.

SECTION VII. That should any section or part of this Ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this Ordinance.

SECTION VIII. That this Ordinance shall take effect ten days from the date of its passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 15th day of April 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001, *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY
Ord. #24-____