

ORDINANCE NO. 42359

AN ORDINANCE to amend Omaha Municipal Code Section 36-251 to change the maximum size for a passenger bus due to the new articulated passenger bus used by Metro Transit to 65 feet; to add Article IX, Sections 36-290 to 36-295, entitled "Business Access and Transit Lanes" to Chapter 36 of the Omaha Municipal Code; to provide for the rules and regulations concerning the use of the Business Access and Transit Lanes that will be used by the Bus Rapid Transit (BRT) system being operated by Metro Transit; to provide for the enforcement of violations and penalties; and to provide the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Omaha Municipal Code Sec. 36-251 is hereby amended to read as follows:

Sec. 36-251. - Maximum size and clearance.

(a) *Maximum size.* No vehicle the width of which, including the load, is greater than eight feet six inches, or of greater height than 13 feet six inches, or of a greater length than 40 feet, shall be operated on the streets of the city; except that passenger buses designed to carry in excess of seven passengers may not exceed a width of eight feet eight inches or be of a greater length than 47 feet; except that articulated passenger busses operated by a transit authority may not exceed a width of eight feet eight inches or be of greater length than 65 feet. No combination of vehicles coupled together shall be so operated whose combined length of towing vehicles and trailer or trailers shall exceed 65 feet.

(b) *Maximum clearance.*

(1) No person shall operate upon a public street any motor vehicle registered in any state as a passenger vehicle which has a clearance between the frame and ground in excess of 23 inches. The lowest portion of the body floor shall not be more than five inches above the top of the frame.

(2) No person shall operate upon a public street any motor vehicle registered in any state as a truck or motor home if it has a clearance between the frame and the ground which is in excess of the limits specified within this subsection for its gross vehicle weight rating category. The lowest portion of the body floor shall not be more than five inches above the top of the frame. The frame height of trucks or motor homes whose gross vehicle weight rating is 4,500 pounds or less shall be no more than 27 inches. The frame height of trucks or motor homes whose gross vehicle weight rating is 4,501 to 7,500 pounds shall be no more than 30 inches. The frame height of trucks or motor homes whose gross vehicle weight rating is 7,501 to 10,000 pounds shall be no more than 31 inches. This subsection shall not apply to trucks or motor homes with a gross vehicle weight rating in excess of 10,000 pounds. For the purpose of this section,

"gross vehicle weight ratings" shall mean the manufacturer's gross vehicle weight ratings established for that vehicle.

(3) Under subsections (b)(1) and (b)(2), measurements shall be made when a vehicle is unladen on a level surface at the lowest point in the longitudinal frame rail or structural rocker panel between the front axle and second axle on the vehicle.

(4) Violations of subsections (b)(1) and (b)(2) of this section shall be subject to article VIII of this chapter.

(5) Subsections (b)(1) and (b)(2) of this section shall not apply to the otherwise lawful towing of specially designed or modified motor vehicles designed and constructed for use in races or similar events off the public streets, roads and highways.

Section 2. That Chapter 36, Article IX, Section 36-290 through Section 36-295 of the

Omaha Municipal Code is hereby created as follows:

ARTICLE IX. – BUSINESS ACCESS AND TRANSIT LANES

Sec. 36-290. – Establishment.

For purposes of this Division, the City of Omaha is establishing semi-exclusive business access and transit lanes which may be used solely for passenger busses operated by the Transit Authority of the City, doing business as Metro Transit as part of the Bus Rapid Transit (BRT) Program.

Sec. 36-291. – Definitions.

For purposes of this Article, the following terms are defined as follows:

- (1) **Passenger bus** – A passenger bus is a bus designed to carry passengers operated by the Transit Authority of the City, doing business as Metro Transit, that may not exceed a width of eight (8) feet eight (8) inches or be of greater length than 65 feet.

Sec. 36-292. – Designation: Official List.

The City Traffic Engineer shall designate the streets, highways, alleys, avenues or boulevards within the corporate limits of the City to be used as business access and transit lanes. Such designation shall consist of a list of the streets, highways, alleys, avenues or boulevards to be used as business access and transit lanes. When the list of the designated business access and transit lanes have been approved by Resolution of the City Council, and filed on record in the Public Works Department, and the Police Department, they shall be the official designated business access and transit lanes of the City. The removal of any street, highway, alley, avenue or boulevard from the list of business access and transit lanes shall follow the same process outlined in this Section. Copies of the current, updated official business access and transit lane list shall be kept in the office of the Public Works Department and the Police Department and be made available for free distribution to the public.

Sec. 36-293. – Signs and Pavement Markings.

The City Traffic Engineer shall install, or cause to be installed, appropriate signs indicating which streets are designated as business access and transit lanes. Further, the City Traffic Engineer shall install or cause to be installed all appropriate pavement markings to identify the business access and travel lanes to inform the public of their limitation.

Sec. 36-294. – Business Access and Transit Lanes.

The City of Omaha hereby creates business access and transit lanes (BAT) which are exclusively restricted to (1) use by passenger busses; and, (2) to any other traffic legally operating in the roadway for the sole purpose of making a right turn onto another street, highway, alley, avenue or boulevard within the City or for purposes of entry into a business alongside such street, highway, alley, avenue or boulevard. At no time shall anybody be able to park in the BAT lanes. This shall not prohibit passenger busses operated by the Transit Authority of the City, doing business as Metro Transit, to stop in such lanes for purposes of picking up passengers and/or waiting for scheduled routes.

Sec. 36-295. – The operation and parking of vehicular traffic is prohibited in business access and transit lanes.

No person shall operate a vehicle, other than a passenger bus operated by the Transit Authority of Omaha, doing business as Metro Transit, in the business access and transit lane other than for purposes of taking a right turn onto another street, highway, alley, avenue or boulevard within the City or for purposes of entry into a business alongside such street, highway, alley, avenue or boulevard. The vehicle shall be permitted to enter the business access and transit lane no more than 250 feet before the authorized right turn. Any person in violation of this Section shall be punished as prescribed in Section 1-10 and shall pay a minimum fine of \$250.00 for each such violation. Further, any individual who parks their vehicle in such business access and transit lane shall be subject to removal pursuant to the process established in Omaha Municipal Code Section 36-231 through 36-238.

Section 3. This Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

ORDINANCE NO. 42359
PAGE 4

INTRODUCED BY COUNCILMEMBER

Christopher Jensen

APPROVED BY:

Jon Stothard 11-12-2020
MAYOR OF THE CITY OF OMAHA DATE

PASSED NOV 10 2020 5-0

ATTEST:

Cey 11-12-2020
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 10/6/20
DEPUTY CITY ATTORNEY DATE

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