

RESOLUTION NO. 2013-01-___ (R)

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AND THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, REQUESTING THE PRIMA FACIE SPEED LIMIT FOR VEHICLES TRAVELING UPON CUSTER ROAD, WHICH ROAD IS ALSO DESIGNATED AS FARM-TO-MARKET ROAD 2478 (FM 2478), FROM U.S. HIGHWAY 380 NORTHWARD TO FARM-TO-MARKET ROAD 1461 (FM 1461) BE REDUCED FROM THE CURRENT PRIMA FACIE SPEED LIMIT OF 55 MILES PER HOUR TO A MAXIMUM PRIMA FACIE SPEED NOT TO EXCEED 50 MILES PER HOUR FOR THE BENEFIT OF THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF MCKINNEY, TEXAS, AND PROSPER, TEXAS, AND ALL OTHER PERSONS TRAVELING ON SAID SECTION OF CUSTER ROAD

WHEREAS, the City Council of the City of McKinney, Texas, and the Town Council of the Town of Prosper recently learned that the Texas Transportation Commission has reduced the prima facie speed limit upon Custer Road, which road is also designated as Farm-to-Market Road 2478 (FM 2478), from U.S. Highway 380 northward to Farm-to-Market Road 1461 (FM 1461) (hereinafter referred to as the "Custer Road Segment") from the previous prima facie speed limit of 60 miles per hour to 55 miles per hour based on a recommendation from the Texas Department of Transportation ("TxDOT"); and

WHEREAS, TxDOT typically establishes speed limits at the nearest value to the 85th percentile speed ending in a 5 or 0, which speed represents the speed the majority of drivers are currently traveling at or below on such road; and

WHEREAS, the 85th percentile speed may be lowered by up to 10 miles per hour based on sound and generally accepted engineering judgment that includes consideration of (a) the roadway pavement width, (b) curves and hills along the roadway, (c) hidden driveways and other developments, (d) a high number of driveways, (e) crash history, (f) a rural residential or developed area, or (g) a lack of striped, improved shoulders; and

WHEREAS, residents of both the City of McKinney and the Town of Prosper who live and travel in the area around and about the Custer Road Segment are seeking a significant lowering of the speed limit on such roadway; and

WHEREAS, the City Council of the City of McKinney, Texas, and the Town Council of the Town of Prosper, Texas, have considered the requests of the residents of their respective communities as well as their personal knowledge and experience traveling along and across the Custer Road Segment; and

WHEREAS, the City Council of the City of McKinney, Texas, and the Town Council of the Town of Prosper, Texas, have determined to join together to express their concerns that a change in the prima facie speed limit for the Custer Road Segment from 60 miles per hour to 55 miles per hour is not sufficient to protect the health, safety and welfare of the residents of the City of McKinney, Texas, and the Town of Prosper, Texas, directly impacted by high speed traffic on the Custer Road Segment and the motoring public passing through these communities; an

WHEREAS, the City Council of the City of McKinney, Texas, and the Town Council of the Town of Prosper, Texas, believe that reducing the prima facie speed limit for the Custer Road Segment to a maximum prima facie speed not to exceed 50 miles per hour may result in a higher awareness of the increasing urban development and local neighborhoods situated along and about the Custer Road Segment and lead to a decrease in the number of automobile collisions with resulting decreases in the incidents of property damage, serious bodily injury and fatality accidents on the

Custer Road Segment thereby better protecting the health, safety and welfare of the residents of the City of McKinney, Texas, and the Town of Prosper, Texas, as well as the motoring public passing through these communities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AND THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

- Section 1. All of the above premises are found to be true and correct factual and legislative determinations of the City of McKinney and the Town of Prosper and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- Section 2. The City of McKinney and the Town of Prosper disagree with the minimal decrease of the prima facie speed limit on the Custer Road Segment, from 60 miles per hour to 55 miles per hour.
- Section 3. The City of McKinney and the Town of Prosper support a further decrease of an additional 5 miles per hour in the prima facie speed limit on the Custer Road Segment from 55 miles per hour to a maximum prima facie speed not to exceed 50 miles per hour to better protect the health, safety and welfare of the residents of the City of McKinney, Texas, and the Town of Prosper, Texas.
- Section 4. The City of McKinney and the Town of Prosper respectfully request that the Texas Transportation Commission exercise its authority to reduce the prima facie speed on Custer Road (FM 2478) from U.S. Highway 380 northward to Farm-to-Market Road 1461 (FM 1461) to a maximum prima facie speed not to exceed 50 miles per hour.
- Section 5. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 15TH DAY OF JANUARY, 2013.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER ON THE _____ DAY OF _____, 2013.

TOWN OF PROSPER, TEXAS

RAY SMITH
Mayor

ATTEST:

AMY PIUKANA, TRMC
Town Secretary