

# New Business Item No. 5

5. **CONSIDERATION AND POSSIBLE ACTION – FIRST AND ONLY READING OF ORDINANCE NO. 1457** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF ' 545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF A REQUEST BY THE TEXAS DEPARTMENT OF TRANSPORTATION, UPON CERTAIN STREETS AND HIGHWAYS, OF PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF PEARLAND (CULEN PARKWAY), AS SET OUT IN THIS ORDINANCE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY. *Mr. Danny Cameron, Director of Public Works.*

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> 11-14-11	<b>ITEM NO.:</b> Ordinance No. 1457
<b>DATE SUBMITTED:</b>	<b>DEPARTMENT OF ORIGIN:</b> Public Works
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Danny Cameron
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT:</b> Cullen Speed Study	
<b>EXHIBITS:</b> Ordinance No. 1457	
<b>EXPENDITURE REQUIRED:</b> <b>AMOUNT AVAILABLE:</b> <b>ACCOUNT NO.:</b>	<b>AMOUNT BUDGETED:</b> <b>PROJECT NO.:</b>
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> <b>ACCOUNT NO.:</b> <b>PROJECT NO.:</b>	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

TXDOT has completed its speed zone study for Cullen Parkway and the attached ordinance proposes establishing a speed limit of 45 mph along the roadway from the north city limit line to FM 518 (1.850 mi.). The ordinance also establishes a school zone of 30 mph for a distance of .398 mi. that will be marked by a flashing becon.

**ORDINANCE NO. 1457**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF ' 545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF A REQUEST BY THE TEXAS DEPARTMENT OF TRANSPORTATION, UPON CERTAIN STREETS AND HIGHWAYS, OF PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF PEARLAND (CULEN PARKWAY), AS SET OUT IN THIS ORDINANCE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.**

WHEREAS, ' 545.356, Texas Transportation Code, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street of highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street of highway;

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

**Section 1.** Upon the request of the Texas Department of Transportation and as authorized by the provisions of ' 545.356, Texas Transportation Code, the following prima facie speed limits, hereafter indicated for vehicles is hereby determined and declared to be reasonable and safe; and such speed limit is hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

**ORDINANCE NO. 1457**

- 1) Along FM 865 from north city limit of the City of Pearland to the centerline of FM 518, a distance of approximately 1.850 miles, the speed limit shall be 45 MPH.
- 2) Along FM 865 a school zone, from point of 20 feet south of Hawk Road (C.R. 667) to a point of 20 feet north of Hughes Ranch (C.R. 403), a distance of approximately 0.398 mile, the speed limit shall be 30 MPH when flashing.

**Section 2. Penalty.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200).

**Section 3. Savings.** All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Repealer.** All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**ORDINANCE NO. 1457**

**Section 6. Publication and Effective Date.** The City Secretary shall cause this ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such ordinance. The ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

**Section 7. Declaration of Emergency.** The Council finds and determines that vehicle speed inures to the benefit of the traveling public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this ordinance shall be adopted as an emergency measure, and that the rule requiring this ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

PASSED and APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2011.

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TOM REID  
MAYOR

ATTEST:

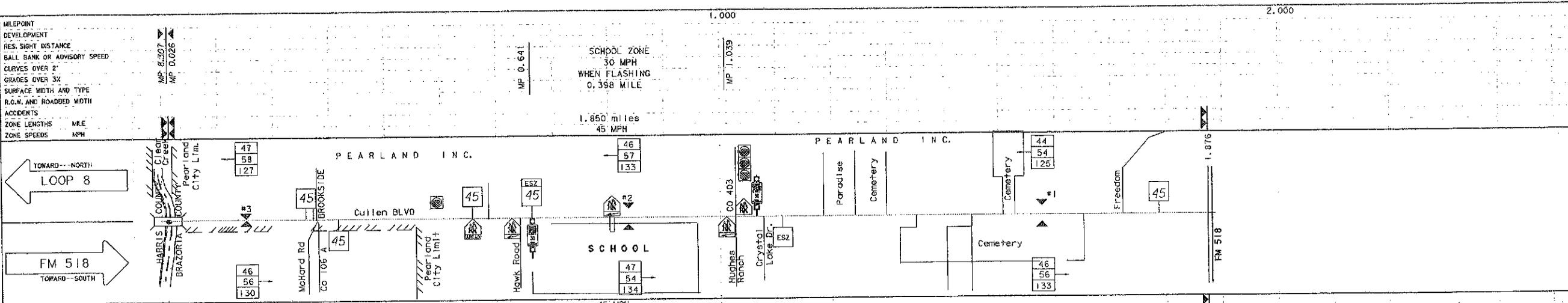
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YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY



ZONE SPEEDS MPH  
 ZONE LENGTHS MILE  
 ACCIDENTS YYYY  
 R.O.W. AND ROADBED WIDTH  
 SURFACE WIDTH AND TYPE  
 GRADES OVER 3%  
 CURVES OVER 2'  
 BALL BANK OR ADVISORY SPEED  
 RES. SIGHT DISTANCE  
 DEVELOPMENT

DISTRICT HOUSTON COUNTY BRAZORIA MINUTE NO. DATE / /  
 HIGHWAY FM 865 CITY PEARLAND REPLACES DATE / /  
 DATE OF SURVEY 8/2011 SCALE 5" = 1 MILE CANCELED BY DATE / /

**LIMITS OF ZONE**

SECTION ONE				SECTION TWO			
BEGINS	STA. OR M.P.	CONT. & SECT.	PROJECT	BEGINS	STA. OR M.P.	CONT. & SECT.	PROJECT
		976-2					
ENDS	STA. OR M.P.	CONT. & SECT.	PROJECT	ENDS	STA. OR M.P.	CONT. & SECT.	PROJECT
		976-2					

**LIMITS OF ZONE**

SECTION THREE				SECTION FOUR			
BEGINS	STA. OR M.P.	CONT. & SECT.	PROJECT	BEGINS	STA. OR M.P.	CONT. & SECT.	PROJECT
ENDS	STA. OR M.P.	CONT. & SECT.	PROJECT	ENDS	STA. OR M.P.	CONT. & SECT.	PROJECT

**SPEED CHECK BLOCK:**  
 68 - 85 PERCENTILE SPEED  
 74 - TOP SPEED MEASURED  
 85 - NUMBER OF CARS CHECKED  
 (65) - TRIAL RUN CONDUCTED

- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- SECTION ZONED BY COMMISSION MINUTE ORDER
- EXISTING SPEED LIMIT SIGN
- SECTION ZONED BY CITY ORDINANCE
- SPEED CHECK STATION
- EXCEEDED STATEWIDE AVERAGE ACCIDENT
- EXISTING SIGNAL
- EXISTING FLASHING BECON
- EXISTING POLE
- PROPOSED SIGN
- POINT OF CURVE
- POINT OF TANGENT

PROPOSED SPEED LIMIT SIGN (TYP)  
 PROPOSED SCHOOL ZONE WHEN FLASHING WITH BEACONS (TYP)  
 PROPOSED REDUCED SPEED AHEAD SIGN (T)

H:\TrfSpeedZoning\Most Newest Folders\001 Speed Zoning\Roadway Maps, Studies & Data\FM -Farm to Markets\FM 0865\FM 865(976-02) (8-2011).dgn

10/19/2011 10:31:35 AM

MINUTE ORDER/CITY ORDINANCE	DATE	MILE POINT		SPEED (MPH)
		FROM	TO	
PEARLAND CITY ORD.	SEND 1/8/2009	0.026	1.876	45
	SEND 8/13/2009	0.641	1.039	30 SZ