

## **BILL ANALYSIS**

C.S.H.B. 1238  
By: Bonnen, Dennis  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties have expressed concerns that current laws relating to the safety of construction zones are inadequate, resulting in avoidable accidents and fatalities. C.S.H.B. 1238 seeks to address these concerns by revising provisions relating to speed limits in construction or maintenance work zones.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1238 amends the Transportation Code to establish that the speed limit in certain construction or maintenance work zones is 20 miles per hour below the speed limit that would normally apply to the highway or street. The bill requires the entity responsible for posting speed limit signs on the highway or street to ensure that a construction or maintenance work zone is marked by a sign indicating the applicable maximum lawful speed. The bill exempts from these requirements a construction or maintenance work zone on a roadway that provides two-way movement of traffic and is divided into three or more lanes in each direction or that has a speed limit of 35 miles per hour or less. The bill specifies, for purposes of provisions regarding the offense of disobeying warning signs and barricades, that the term "warning sign" does not include a speed limit sign.

C.S.H.B. 1238 doubles the minimum and maximum fines applicable to a violation of a speed limit established under the bill's provisions in a construction or maintenance work zone marked by a sign indicating the applicable maximum lawful speed when any written notice to appear issued for the offense states on its face that workers were present when the violation was committed. The bill requires an entity that establishes a construction or maintenance work zone and directs the flow of traffic into the opposite lane of travel to install physical barriers to direct the traffic.

C.S.H.B. 1238 repeals Section 201.908, Transportation Code, requiring the Texas Department of Transportation to remove or cover or require the removal or covering of a sign that restricts the speed limit in a construction or maintenance work zone during any period when no hazard exists that dictates the need for a restricted speed limit.

**EFFECTIVE DATE**

September 1, 2015.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1238 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

SECTION 1. The heading to Subchapter C, Chapter 472, Transportation Code, is amended.

SECTION 2. Sections 472.022(e)(2) and (3), Transportation Code, are amended.

SECTION 3. Subchapter C, Chapter 472, Transportation Code, is amended by adding Section 472.023 to read as follows:

Sec. 472.023. TRAFFIC FLOW BARRIERS. (a) In this section:

(1) "Concrete barrier" means a concrete obstruction placed on or across a road, street, or highway of this state.

(2) "Construction or maintenance work zone" has the meaning assigned by Section 541.402.

(b) An entity, including the department, a political subdivision, or a contractor or subcontractor, that establishes a construction or maintenance work zone and directs the flow of traffic into the opposite lane of travel shall install concrete barriers to direct the traffic.

SECTION 4. Subchapter E, Chapter 541, Transportation Code, is amended.

SECTION 5. Section 542.404, Transportation Code, is amended.

SECTION 6. Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.366 to read as follows:

Sec. 545.366. SPEED LIMIT IN CONSTRUCTION OR MAINTENANCE WORK ZONE. (a) In a construction or maintenance work zone, the speed limit is the lesser of:

(1) 20 miles per hour below the speed limit that would normally apply to the highway or street under this subchapter; or

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Subchapter C, Chapter 472, Transportation Code, is amended by adding Section 472.023 to read as follows:

Sec. 472.023. TRAFFIC FLOW BARRIERS.

(a) In this section, "construction or maintenance work zone" has the meaning assigned by Section 541.402.

(b) An entity, including the department, a political subdivision, or a contractor or subcontractor, that establishes a construction or maintenance work zone and directs the flow of traffic into the opposite lane of travel shall install physical barriers to direct the traffic.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.366 to read as follows:

Sec. 545.366. SPEED LIMIT IN CERTAIN CONSTRUCTION OR MAINTENANCE WORK ZONES. (a) In a construction or maintenance work zone, the speed limit is 20 miles per hour below the speed limit that would normally apply to the highway or street under this subchapter.

(2) 30 percent of the speed limit that would normally apply to the highway or street under this subchapter.

(b) The entity responsible for posting speed limit signs on the highway or street shall ensure that a construction or maintenance work zone is marked by a sign indicating the applicable maximum lawful speed.

(c) This section does not apply to a construction or maintenance work zone on a roadway that provides two-way movement of traffic and is divided into three or more lanes in each direction.

SECTION 7. Section 201.908, Transportation Code, is repealed.

SECTION 8. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. This Act takes effect September 1, 2015.

(b) The entity responsible for posting speed limit signs on the highway or street shall ensure that a construction or maintenance work zone is marked by a sign indicating the applicable maximum lawful speed.

(c) This section does not apply to a construction or maintenance work zone on a roadway that:

(1) provides two-way movement of traffic and is divided into three or more lanes in each direction; or

(2) has a speed limit of 35 miles per hour or less.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.