

SUBJECT: Allowing a TxDOT district engineer to temporarily lower speed limits

COMMITTEE: Transportation — committee substitute recommended

VOTE: 13 ayes — Canales, E. Thompson, Ashby, Bucy, Davis, Harris, Landgraf, Lozano, Martinez, Ortega, Perez, Rogers, Smithee

0 nays

WITNESSES: For — (*Registered, but did not testify*: Jamaal Smith, City of Houston; Jay Crossley, Farm & City; Mackenna Wehmeyer, TAG Houston; Lance Hamm)

Against — Terri Hall, Texas TURF and Texans for Toll-free Highways

On — (*Registered, but did not testify*: James Bass, Texas Department of Transportation)

DIGEST: CSHB 3282 would authorize a district engineer of the Texas Department of Transportation (TxDOT) to temporarily lower a prima facie speed limit for a highway or part of a highway if the engineer determined the speed limit was unreasonable or unsafe because of highway maintenance activities at the site. A district engineer would be authorized to temporarily lower a prima facie speed limit under the provisions of the bill without approval from the Texas Transportation Commission.

A temporary speed limit established under the bill would be a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits and would supersede any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed. After a district engineer temporarily lowered a speed limit, TxDOT would be required to:

- place and maintain temporary speed limit signs that conform to the state highway sign manual at the maintenance activity site;
- temporarily conceal all other signs in the affected area that would

- permit a person to operate a vehicle at a higher speed; and
- remove all temporary signs and concealments when the temporary speed limit expired.

A temporary speed limit would be effective when TxDOT placed the temporary speed limit signs and concealments. A temporary speed limit would be effective until the earlier of the 45th day after the date it became effective or the date on which the district engineer determined that the maintenance activity had been completed and all equipment has been removed from the maintenance activity site. The temporary speed limit would be prohibited from being extended unless established by the Texas Transportation Commission in accordance with statute.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 3282 would protect the safety and lives of Texas Department of Transportation (TxDOT) maintenance workers and contractors by allowing a district engineer to temporarily lower a speed limit on a highway where maintenance activity was being performed. Maintenance workers face many of the same dangers that workers on long-term road projects do but are not afforded the same physical protections, such as barrels and concrete barriers. Allowing for a district engineer to quickly lower speed limits as necessary without the need for Texas Transportation Commission approval would be an effective way to increase safety for these workers.

The term "maintenance" is commonly understood by drivers and TxDOT employees alike. It covers a broad range of activities, but the common factor in every one is the presence of human beings on or near a roadway. This places these individuals in an inherently dangerous situation that necessitates the protections that would be afforded by the bill. Current signage indicating a lower speed limit near maintenance activity is only advisory. Allowing TxDOT to set enforceable temporary speed limits would help to protect maintenance workers.

TxDOT district engineers possess both the technical expertise and the local knowledge that is necessary to carry out the provisions of the bill. Texas contains a wide variety of highways and a uniform policy for lowering speed limits would not account for the unique nature of each situation. Relying on the expertise of these engineers is the most effective way to ensure the safety of maintenance workers and drivers alike.

The temporary lowering of speed limits would not present a new challenge for Texas drivers. Speed limits are lowered daily across the state, and any safe driver should be able to account for one. These temporarily lowered speed limits do not reduce the existing limit to a degree that is unsafe for drivers, with a reduction of 15 miles per hour being the most common. Allowing for the temporary lowering of speed limits in maintenance activity areas would not pose a danger to drivers and provides potentially lifesaving protection for maintenance workers.

CRITICS
SAY:

CSHB 3282 is unclear about what activities it actually would cover, would allow for the arbitrary lowering of speed limits, and could create dangerous situations for drivers. The bill does not define what constitutes a maintenance activity, leaving open the possibility that speed limits could be lowered in areas where there is minor activity that does not necessitate it. Granting a TxDOT district engineer authority to unilaterally lower a speed limit based solely on the engineer's interpretation of what is unreasonable or unsafe is an arbitrary standard that would be difficult to enforce uniformly. On certain highways, a sudden lowering of the speed limit could cause dangerous situations as drivers brake suddenly to comply.