

## **BILL ANALYSIS**

Senate Research Center  
81R27494 JAM-D

H.B. 2682  
By: Alvarado et al. (Wentworth)  
Transportation & Homeland Security  
5/21/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows municipalities to lower speed limits within an urban district under the prima facie limit of 30 miles per hour (mph) when the roadway is 35 feet or less in width and does not prohibit parking on one or both sides.

The current design codes of many municipalities require new urban district roadways to be a minimum of 42 feet. As other municipalities adopt these standards, no new roadways within a municipality would be permitted to lower the prima facie limit to less than 30 mph. Additionally, many older roadways found within a city that would meet the maximum size standard of the legislation would likewise be disqualified based upon parking restricts.

H.B. 2682 amends the Transportation Code to remove, in relation to a municipality's authority to declare a speed limit of not less than 25 mph, the condition that a highway or part of a highway in an urban district be 35 feet or less in width and along which parking is allowed. The bill applies this authorization only to a two-lane undivided highway or part of a highway that is abutted solely by residential property.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 545.356(b-1) and (b-2), Transportation Code, as follows:

(b-1) Authorizes the governing body of a municipality, for a highway or a part of a highway in an urban district in the municipality that is not an officially designated or marked highway or road of the state highway system, to declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe. Deletes existing text authorizing the governing body of a municipality, except as provided by Subsection (b-2), for a highway or a part of a highway in an urban district in the municipality that is not an officially designated or marked highway or road of the state highway system, is 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway, to declare a lower speed limited of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(b-2) Provides that Subsection (b-1) applies only to a two-lane, undivided highway or part of a highway that is abutted solely by residential property. Deletes existing text providing that Subsection (b-1) does not apply to a highway or part of a highway that has four or more lanes used for vehicular travel.

SECTION 2. Effective date: upon passage or September 1, 2009.