

BILL ANALYSIS

Senate Research Center
82R28237 VOO-D

C.S.H.B. 109
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 109 allows municipalities and counties to temporarily lower speed limits at accident reconstruction sites without Texas Department of Transportation (TxDOT) approval. TxDOT is required to develop safety guidelines with which municipalities and counties must comply and notice must be given to TxDOT. C.S.H.B. 109 requires that a short-term speed limit sign be posted, a permanent sign be concealed, and all signs returned to normal once the investigation is complete.

C.S.H.B. 109 amends current law relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

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 Section 544.002(c), Transportation Code, to prohibit a local authority from placing or maintaining a traffic-control device on a highway under the jurisdiction of the Texas Department of Transportation (TxDOT) without TxDOT's permission, except as authorized under Section 545.3561.

SECTION 2. Amends Subchapter H, Chapter 545, Transportation Code, by adding Section 545.3561, as follows:

Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR ACCIDENT RECONSTRUCTION SITE. (a) Authorizes the governing body of a municipality by ordinance to give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower a prima facie speed limit for a highway or part of a highway in the municipality, including a highway of the state highway system, at the site of an investigation using vehicular accident reconstruction.

(b) Authorizes a county commissioners court by order to give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower prima facie speed limits for a county road or highway outside the boundaries of a municipality at the site of an investigation using vehicular accident reconstruction. Provides that the authority granted under this subsection does not include a road or highway in the state highway system.

(c) Requires TxDOT to develop safety guidelines for the use of vehicular accident reconstruction in investigations. Requires a municipality, county, or designated official to comply with the guidelines.

(d) Authorizes a designated official to temporarily lower prima facie speed limits without the approval of or permission from TxDOT. Requires a designated official who intends to temporarily lower a prima facie speed limit at the site of an

investigation using vehicular accident reconstruction to, at least 48 hours before temporary speed limit signs are posted for the vehicular accident reconstruction site, provide to TxDOT a notice that includes:

- (1) the date and time of the accident reconstruction;
- (2) the location of the accident reconstruction site;
- (3) the entities involved at the site;
- (4) the general size of the area affected by the site; and
- (5) an estimate of how long the site will be used for the accident reconstruction.

(e) Provides that a temporary speed limit established under this section:

- (1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and
- (2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

(f) Requires a designated official who temporarily lowers a speed limit to:

- (1) place and maintain at the vehicular accident reconstruction site temporary speed limit signs that conform to the manual and specifications adopted under Section 544.001 (Adoption of Sign Manual for State Highways);
- (2) temporarily conceal all other signs on the highway segment affected by the vehicular accident reconstruction site that give notice of a speed limit that would permit a person to operate a motor vehicle at a higher rate of speed; and
- (3) remove all temporary speed limit signs placed under Subdivision (1) and concealments of other signs placed under Subdivision (2) when the official finds that the vehicular accident reconstruction is complete and all equipment is removed from the vehicular accident reconstruction site.

(g) Provides that a temporary speed limit established under this section is effective when a designated official places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed as required under Subsection (f).

(h) Provides that a temporary speed limit established under this section is effective until the designated official under Subsection (a) or (b):

- (1) finds that the vehicular accident reconstruction is complete; and
- (2) removes all temporary signs, concealments, and equipment used at the vehicular accident reconstruction site.

(i) Authorizes TxDOT, if a designated official does not comply with the requirements of Subsection (f)(3) for a vehicular accident reconstruction on a state highway associated with the reconstruction, to remove signs and concealments.

SECTION 3. Amends Section 553.002, Transportation Code, by adding Subsection (d), to provide that this section does not apply to an ordinance enacted or a temporary speed limit sign erected or operated under Section 545.3561.

SECTION 4. Effective date: September 1, 2011.