

By: Canales

H.B. No. 3282

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a district engineer for the Texas Department of Transportation to temporarily lower the speed limit at a highway maintenance activity site.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.3531 to read as follows:

Sec. 545.3531. AUTHORITY OF DISTRICT ENGINEER TO TEMPORARILY LOWER SPEED LIMIT AT HIGHWAY MAINTENANCE ACTIVITY SITE.

(a) A district engineer of the Texas Department of Transportation may temporarily lower a prima facie speed limit for a highway or part of a highway currently under construction in a district if the district engineer determines that the prima facie speed limit for the highway or part of highway is unreasonable or unsafe because of highway maintenance activities at the site.

(b) A district engineer may temporarily lower a prima facie speed limit under this section without the approval of or permission from the Texas Transportation Commission.

(c) 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

1 speed.

2 (d) After a district engineer temporarily lowers a speed
3 limit under this section, the Texas Department of Transportation
4 shall:

5 (1) place and maintain at the maintenance activity
6 site temporary speed limit signs that conform to the manual and
7 specifications adopted under Section 544.001;

8 (2) temporarily conceal all other signs on the highway
9 or part of a highway affected by the maintenance activity that give
10 notice of a speed limit that would permit a person to operate a
11 motor vehicle at a higher rate of speed; and

12 (3) remove all temporary speed limit signs placed
13 under Subdivision (1) and concealments of other signs placed under
14 Subdivision (2) when the temporary speed limit expires under
15 Subsection (f).

16 (e) A temporary speed limit established under this section
17 is effective when the Texas Department of Transportation, as
18 required under Subsection (d), places temporary speed limit signs
19 and conceals other signs that would permit a person to operate a
20 motor vehicle at a higher rate of speed.

21 (f) A temporary speed limit established under this section:

22 (1) is effective until the earlier of:

23 (A) the 45th day after the date the limit becomes
24 effective; or

25 (B) the date on which the district engineer
26 determines that the maintenance activity has been completed and all
27 equipment has been removed from the maintenance activity site;

1 (2) may not be extended unless established by the
2 Texas Transportation Commission under Section 545.353; and

3 (3) may not be used as a speed trap by local or state
4 law enforcement.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2021.