

By: Luna

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to speed limits near a facility where a school-related activity is held.

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

SECTION 1. Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.3571 to read as follows:

Sec. 545.3571. SPEED LIMITS NEAR SCHOOL-RELATED ACTIVITY.

(a) The governing body of a municipality, the commissioners court of a county, or the Texas Transportation Commission may lower the prima facie speed limit for a highway or part of a highway without an engineering and traffic investigation if the governmental entity determines that:

(1) the highway or part of a highway is near a facility at which public or private elementary or secondary school students or students of an institution of higher education, as defined by Section 61.003(8) or (15), Education Code, participate in a school-related activity;

(2) the prima facie speed limit on the highway is, at all times or at other times as determined, unreasonable; and

(3) a lower prima facie speed limit on the highway is necessary, at all times or at other times as determined, for the safety of persons attending or participating in a school-related activity.

(b) This section applies:

1 (1) with respect to a municipality, to a highway in the
2 municipality, including a highway of the state highway system;

3 (2) with respect to a county, to a county road in the
4 county, outside a municipality, and outside the state highway
5 system; and

6 (3) with respect to the Texas Transportation
7 Commission, to a highway in the state highway system.

8 (c) A prima facie speed limit that is lowered under this
9 section is effective when the governmental entity erects signs
10 giving notice of the new limit and at all times or at other times as
11 determined.

12 (d) This subsection does not authorize a municipality to
13 modify the rule established by Section 545.351(a).

14 SECTION 2. Section 545.359, Transportation Code, is amended
15 to read as follows:

16 Sec. 545.359. CONFLICTING DESIGNATED SPEED LIMITS. An
17 order of the Texas Transportation Commission declaring a speed
18 limit on a part of a designated or marked route of the state highway
19 system made under Section 545.353 or 545.362 supersedes any
20 conflicting designated speed established under Sections 545.356
21 and 545.358. An order of the Texas Transportation Commission
22 declaring a speed limit on a part of a designated or marked route of
23 the state highway system made under Section 545.3571 supersedes any
24 conflicting designated speed established by a municipality under
25 that section.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.