

By: Moreno of El Paso

H.B. No. 282

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a county or municipality to alter
3 speed limits on roadways in the county or municipality and to place
4 and maintain traffic-control devices on those roadways.

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

6 SECTION 1. Section 544.002, Transportation Code, is amended
7 by adding Subsection (d) to read as follows:

8 (d) Notwithstanding Subsections (b) and (c), a county or
9 municipality may place and maintain a traffic-control device on a
10 roadway in the county or municipality, including a highway under
11 the jurisdiction of the Texas Department of Transportation, without
12 regard to the manual of specifications adopted under Section
13 544.001 and without that department's permission, if the
14 commissioners court of the county or the governing body of the
15 municipality:

16 (1) finds that a user of the roadway or a pedestrian
17 walking on or along the roadway was killed or fatally injured at or
18 near the proposed location of the traffic-control device; and

19 (2) determines that placement and maintenance of the
20 traffic-control device would prevent or reduce the probability of
21 additional fatalities at and near the proposed location of the
22 traffic-control device.

23 SECTION 2. Section 545.355, Transportation Code, is amended
24 by adding Subsections (d) and (e) to read as follows:

1 (d) The commissioners court of a county, for a segment of a
2 highway or road of the state highway system that is inside the
3 county and outside a municipality, by order and without an
4 engineering and traffic investigation, may declare a lower speed
5 limit than the prima facie speed limit on the highway or road, if
6 the commissioners court:

7 (1) finds that a user of the segment of the highway or
8 road for which the lower speed limit is proposed, or a pedestrian
9 walking on or along that segment of the highway or road, was killed
10 or fatally injured; and

11 (2) determines that the lower speed limit would
12 prevent or reduce the probability of additional fatalities on that
13 segment of the highway or road.

14 (e) Unless continued by subsequent order of the
15 commissioners court, a speed limit established under Subsection (d)
16 expires on the 180th day after the date the order establishing the
17 speed limit was entered on its records.

18 SECTION 3. Section 545.356, Transportation Code, is amended
19 by amending Subsection (c) and adding Subsections (d) and (e) to
20 read as follows:

21 (c) A prima facie speed limit that is altered by the
22 governing body of a municipality under Subsection (b) or (d) is
23 effective when the governing body erects signs giving notice of the
24 new limit and at all times or at other times as determined.

25 (d) Notwithstanding Subsections (a) and (b), the governing
26 body of a municipality, for a segment of a highway in the
27 municipality, including a highway of the state highway system, may

1 by ordinance and without an engineering and traffic investigation
2 establish a lower speed limit than the prima facie speed limit, if
3 the governing body:

4 (1) finds that a user of the segment of the highway for
5 which the lower speed limit is proposed, or a pedestrian walking on
6 or along that segment of the highway, was killed or fatally injured;
7 and

8 (2) determines that the lower speed limit would
9 prevent or reduce the probability of additional fatalities on that
10 segment of the highway.

11 (e) Unless continued by subsequent action of the governing
12 body of the municipality, a speed limit established under
13 Subsection (d) expires on the 180th day after the date that speed
14 limit was established.

15 SECTION 4. Section 545.359, Transportation Code, is amended
16 to read as follows:

17 Sec. 545.359. CONFLICTING DESIGNATED SPEED LIMITS. An
18 order of the Texas Transportation Commission declaring a speed
19 limit on a part of a designated or marked route of the state highway
20 system made under Section 545.353 or 545.362 supersedes any
21 conflicting designated speed established under Sections 545.356(a)
22 or (b) [~~545.356~~] and 545.358.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2003.