

BILL ANALYSIS

C.S.H.B. 87
By: Reyna
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently a governing body of a municipality does not have the authority to decrease the speed limit to 25 miles per hour; however, studies have shown that car-pedestrian fatalities may be drastically reduced when drivers slow down, particularly in residential areas. It is not necessarily the speed at which a driver is going that normally ends in tragedy, but it is the time it takes the driver to stop when driving at such an excessive speed.

The definition of a highway or street, as defined in Section 541.302 (5) in the Transportation Code states is the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

C.S.H.B. 87 allows the authority of a municipality to lower the prima facie speed limit established by the legislature of 30 mph to 25 mph, as long as the highway or road is not officially designated as part of the state highway system, without a traffic and engineering study if the governing body of the municipality determines that the prima facie speed limit is unsafe or unreasonable.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 87 amends the Transportation code to authorize the governing body of a municipality to lower the city's prima facie speed limit established by the legislature of 30 mph to 25 mph, as long as the highway or road is not officially designated as part of the state highway system, without a traffic and engineering study if the governing body of the municipality determines that the prima facie speed limit is unsafe or unreasonable.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary votes, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 87 modifies the original version by providing that the governing body of a municipality cannot lower the prima facie speed limit established by the legislature on officially designated or marked highway or road of the state highway system.