

By: Uresti

H.B. No. 3234

Substitute the following for H.B. No. 3234:

By: Eissler

C.S.H.B. No. 3234

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of and notice concerning safety equipment
3 required in the construction, repair, rehabilitation, or
4 alteration of public school facilities.

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

6 SECTION 1. Subchapter B, Chapter 44, Education Code, is
7 amended by adding Sections 44.0411 and 44.0412 to read as follows:

8 Sec. 44.0411. SAFETY EQUIPMENT PROVISION IN CONTRACTS. (a)

9 A school district shall include in each contract for construction
10 of a school facility a requirement that the contractor provide and
11 install school crossing zone reduced-speed signs with flashing
12 lights and any safety equipment required for the facility and
13 school campus to comply with law in effect at the time the contract
14 is entered into. If there is more than one contract for
15 construction of the facility, the district shall include the
16 appropriate safety equipment requirement in each appropriate
17 contract.

18 (b) A school district shall include in each contract for
19 repair, rehabilitation, or alteration of a school facility a
20 requirement that the contractor provide and install any safety
21 equipment required by law in effect at the time the contract is
22 entered into and needed in connection with the portion of the
23 facility on which the repair, rehabilitation, or alteration is
24 performed. If there is more than one contract for repair,

1 rehabilitation, or alteration of the facility, the district shall
2 include the appropriate safety equipment requirement in each
3 appropriate contract.

4 (c) Any safety equipment or device installed by a contractor
5 in compliance with this section must comply with the requirements
6 and specifications of the manual adopted under Section 544.001,
7 Transportation Code.

8 Sec. 44.0412. NOTICE TO TEXAS DEPARTMENT OF TRANSPORTATION
9 OR LOCAL ROAD AUTHORITY REQUIRED. (a) In this section, "local road
10 authority" means the local governmental entity responsible for the
11 construction, repair, and maintenance of a public highway or
12 street.

13 (b) Not later than the 15th day after the date that a school
14 district approves a plat for construction of a school facility, the
15 district shall deliver notice of the pending facility construction
16 to:

17 (1) the Texas Department of Transportation, if the
18 facility will adjoin a highway or street that is part of the state
19 highway system; and

20 (2) the local road authority, if the facility will
21 adjoin a highway or street that is not a part of the state highway
22 system.

23 (c) The school district shall cooperate with the Texas
24 Department of Transportation or local road authority, as
25 applicable, to determine the traffic needs associated with the
26 proposed school facility.

27 (d) The Texas Department of Transportation or the local road

1 authority, as applicable, must approve all devices and safety
2 equipment included in a contract for the construction of a school
3 facility under Section 44.0411(a).

4 SECTION 2. (a) Section 44.0411, Education Code, as added by
5 this Act, applies to any contract entered into by a school district
6 for construction, repair, rehabilitation, or alteration of a school
7 facility on or after September 1, 2005.

8 (b) Section 44.0412, Education Code, as added by this Act,
9 applies to any contract entered into by a school district for
10 construction of a school facility on or after September 1, 2005.

11 SECTION 3. This Act takes effect September 1, 2005.