

BILL ANALYSIS

C.S.H.B. 109
By: Brown
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current state law does not allow the temporary lowering of a speed limit at a vehicular accident reconstruction site. Officials who construct and examine such a site are in danger of being hit and injured by high-speed vehicles traveling along the affected roads. While such a site is blocked off from normal traffic, the high speeds of passing vehicles still pose a threat to investigators. C.S.H.B. 109 allows a designated official to temporarily lower the speed limit at a vehicular accident reconstruction site, provided that a short-term speed limit sign is posted, a permanent sign is concealed, and all signs are returned to normal once the investigation is complete.

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. 109 amends the Transportation Code to authorize the governing body of a municipality by ordinance or a county commissioners court by order, as appropriate, to give a designated official discretion to temporarily lower a prima facie speed limit at the site of an investigation using vehicular accident reconstruction. The bill specifies that the authority granted to a municipality is for a highway or part of a highway in the municipality, including a highway of the state highway system, and that the authority granted to a county is for a county road or highway outside the boundaries of a municipality, excluding a road or highway in the state highway system. The bill requires the Texas Department of Transportation (TxDOT) to develop safety guidelines for the use of vehicular accident reconstruction in investigations and requires a municipality, county, or designated official to comply with the guidelines. The bill authorizes a designated official to temporarily lower prima facie speed limits without the approval of or permission from TxDOT. The bill requires a designated official who intends to temporarily lower a prima facie speed limit at the site of an investigation using vehicular accident reconstruction to provide to TxDOT a notice that includes the date and location of the accident reconstruction site, the entities involved at the site, the general size of the area affected by the site, and a time estimate of how long the site will be used for the investigation. The bill specifies that the temporary speed limit is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under state law and supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

C.S.H.B. 109 requires a designated official who temporarily lowers a speed limit at a vehicular accident reconstruction site to: place and maintain at the vehicular accident reconstruction site temporary speed limit signs that conform to the sign manual and specifications for state highways adopted by the Texas Transportation Commission, temporarily conceal all other signs on the highway segment affected by the vehicular accident reconstruction site that give notice of a speed limit that would permit a person to operate a motor vehicle at a higher rate of speed, and

remove all temporary speed limit signs and concealments of other signs when the official finds that the vehicular accident reconstruction is complete and all equipment is removed from the vehicular accident reconstruction site. The bill makes a temporary speed limit established under the bill's provisions effective when a designated official places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed and makes the speed limit effective until the designated official finds that the vehicular accident reconstruction is complete and removes all temporary signs, concealments, and equipment used at the vehicular accident reconstruction site. The bill exempts an ordinance enacted or temporary speed limit sign erected or operated under the bill's provisions from certain provisions of law relating to placing and maintaining traffic-control devices and erecting or operating traffic signals or signs in a municipality.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 109 contains a provision not included in the original requiring the Texas Department of Transportation (TxDOT) to develop vehicular accident reconstruction safety guidelines and requiring a municipality, county, or designated official to comply with the guidelines. The substitute contains a provision not included in the original requiring a designated official who intends to lower a prima facie speed limit at a vehicular accident reconstruction site to provide to TxDOT a notice that includes certain information about the site.