

AN ACT

relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

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

SECTION 1. Section 544.002(c), Transportation Code, is amended to read as follows:

(c) A local authority may not place or maintain a traffic-control device on a highway under the jurisdiction of the Texas Department of Transportation without that department's permission, except as authorized under Section 545.3561.

SECTION 2. Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.3561 to read as follows:

Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR ACCIDENT RECONSTRUCTION SITE. (a) The governing body of a municipality by ordinance may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower a prima facie speed limit for a highway or part of a highway in the municipality, including a highway of the state highway system, at the site of an investigation using vehicular accident reconstruction.

(b) A county commissioners court by order may give a designated official with transportation engineering experience establishing speed limits discretion to temporarily lower prima

1 facie speed limits for a county road or highway outside the  
2 boundaries of a municipality at the site of an investigation using  
3 vehicular accident reconstruction. The authority granted under  
4 this subsection does not include a road or highway in the state  
5 highway system.

6 (c) The Texas Department of Transportation shall develop  
7 safety guidelines for the use of vehicular accident reconstruction  
8 in investigations. A municipality, county, or designated official  
9 shall comply with the guidelines.

10 (d) A designated official may temporarily lower prima facie  
11 speed limits without the approval of or permission from the Texas  
12 Department of Transportation. A designated official who intends to  
13 temporarily lower a prima facie speed limit at the site of an  
14 investigation using vehicular accident reconstruction shall, at  
15 least 48 hours before temporary speed limit signs are posted for the  
16 vehicular accident reconstruction site, provide to the Texas  
17 Department of Transportation notice that includes:

- 18 (1) the date and time of the accident reconstruction;  
19 (2) the location of the accident reconstruction site;  
20 (3) the entities involved at the site;  
21 (4) the general size of the area affected by the site;

22 and

23 (5) an estimate of how long the site will be used for  
24 the accident reconstruction.

25 (e) A temporary speed limit established under this section:

- 26 (1) is a prima facie prudent and reasonable speed  
27 limit enforceable in the same manner as other prima facie speed

1 limits established under other provisions of this subchapter; and

2 (2) supersedes any other established speed limit that  
3 would permit a person to operate a motor vehicle at a higher rate of  
4 speed.

5 (f) A designated official who temporarily lowers a speed  
6 limit shall:

7 (1) place and maintain at the vehicular accident  
8 reconstruction site temporary speed limit signs that conform to the  
9 manual and specifications adopted under Section 544.001;

10 (2) temporarily conceal all other signs on the highway  
11 segment affected by the vehicular accident reconstruction site that  
12 give notice of a speed limit that would permit a person to operate a  
13 motor vehicle at a higher rate of speed; and

14 (3) remove all temporary speed limit signs placed  
15 under Subdivision (1) and concealments of other signs placed under  
16 Subdivision (2) when the official finds that the vehicular accident  
17 reconstruction is complete and all equipment is removed from the  
18 vehicular accident reconstruction site.

19 (g) A temporary speed limit established under this section  
20 is effective when a designated official places temporary speed  
21 limit signs and conceals other signs that would permit a person to  
22 operate a motor vehicle at a higher rate of speed as required under  
23 Subsection (f).

24 (h) A temporary speed limit established under this section  
25 is effective until the designated official under Subsection (a) or  
26 (b):

27 (1) finds that the vehicular accident reconstruction

1 is complete; and

2 (2) removes all temporary signs, concealments, and  
3 equipment used at the vehicular accident reconstruction site.

4 (i) If a designated official does not comply with the  
5 requirements of Subsection (f)(3) for a vehicular accident  
6 reconstruction on a state highway associated with the  
7 reconstruction, the Texas Department of Transportation may remove  
8 signs and concealments.

9 SECTION 3. Section 553.002, Transportation Code, is amended  
10 by adding Subsection (d) to read as follows:

11 (d) This section does not apply to an ordinance enacted or a  
12 temporary speed limit sign erected or operated under Section  
13 545.3561.

14 SECTION 4. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 109 was passed by the House on April 5, 2011, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 109 on May 23, 2011, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 109 was passed by the Senate, with amendments, on May 19, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor