

By: Brown

H.B. No. 109

Substitute the following for H.B. No. 109:

By: Pickett

C.S.H.B. No. 109

A BILL TO BE ENTITLED

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 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 discretion to temporarily lower prima facie speed limits for a county road or highway outside the boundaries of a municipality at the site of an investigation using vehicular

1 accident reconstruction. The authority granted under this
2 subsection does not include a road or highway in the state highway
3 system.

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

8 (d) A designated official may temporarily lower prima facie
9 speed limits without the approval of or permission from the Texas
10 Department of Transportation. A designated official who intends to
11 temporarily lower a prima facie speed limit at the site of an
12 investigation using vehicular accident reconstruction shall
13 provide to the Texas Department of Transportation a notice that
14 includes:

15 (1) the date and location of the accident
16 reconstruction site;

17 (2) the entities involved at the site;

18 (3) the general size of the area affected by the site;

19 and

20 (4) a time estimate of how long the site will be used
21 for the investigation.

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

23 (1) is a prima facie prudent and reasonable speed
24 limit enforceable in the same manner as other prima facie speed
25 limits established under other provisions of this subchapter; and

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

1 speed.

2 (f) A designated official who temporarily lowers a speed
3 limit shall:

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

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

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

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

21 (h) A temporary speed limit established under this section
22 is effective until the designated official under Subsection (a) or
23 (b):

24 (1) finds that the vehicular accident reconstruction
25 is complete; and

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

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

3 (d) This section does not apply to an ordinance enacted or a
4 temporary speed limit sign erected or operated under Section
5 545.3561.

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