

By: Brown

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) A designated official may temporarily lower prima facie
5 speed limits without the approval of or permission from the Texas
6 Department of Transportation.

7 (d) A temporary speed limit established under this section:

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

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

14 (e) A designated official who temporarily lowers a speed
15 limit shall:

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

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

23 (3) remove all temporary speed limit signs placed
24 under Subdivision (1) and concealments of other signs placed under
25 Subdivision (2) when the official finds that the vehicular accident
26 reconstruction is complete and all equipment is removed from the
27 vehicular accident reconstruction site.

1 (f) A temporary speed limit established under this section
2 is effective when a designated official places temporary speed
3 limit signs and conceals other signs that would permit a person to
4 operate a motor vehicle at a higher rate of speed as required under
5 Subsection (e).

6 (g) A temporary speed limit established under this section
7 is effective until the designated official under Subsection (a) or
8 (b):

9 (1) finds that the vehicular accident reconstruction
10 is complete; and

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

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

15 (d) This section does not apply to an ordinance enacted or a
16 temporary speed limit sign erected or operated under Section
17 545.3561.

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