

1-1 By: Brown (Senate Sponsor - Ogden) H.B. No. 109
1-2 (In the Senate - Received from the House April 6, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 16, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 7, Nays 0; May 16, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 109 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the temporary lowering of prima facie speed limits at a
1-11 vehicular accident reconstruction site.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 544.002(c), Transportation Code, is
1-14 amended to read as follows:

1-15 (c) A local authority may not place or maintain a
1-16 traffic-control device on a highway under the jurisdiction of the
1-17 Texas Department of Transportation without that department's
1-18 permission, except as authorized under Section 545.3561.

1-19 SECTION 2. Subchapter H, Chapter 545, Transportation Code,
1-20 is amended by adding Section 545.3561 to read as follows:

1-21 Sec. 545.3561. AUTHORITY OF MUNICIPALITY OR COUNTY TO
1-22 TEMPORARILY LOWER SPEED LIMIT AT VEHICULAR ACCIDENT RECONSTRUCTION
1-23 SITE. (a) The governing body of a municipality by ordinance may
1-24 give a designated official with transportation engineering
1-25 experience establishing speed limits discretion to temporarily
1-26 lower a prima facie speed limit for a highway or part of a highway in
1-27 the municipality, including a highway of the state highway system,
1-28 at the site of an investigation using vehicular accident
1-29 reconstruction.

1-30 (b) A county commissioners court by order may give a
1-31 designated official with transportation engineering experience
1-32 establishing speed limits discretion to temporarily lower prima
1-33 facie speed limits for a county road or highway outside the
1-34 boundaries of a municipality at the site of an investigation using
1-35 vehicular accident reconstruction. The authority granted under
1-36 this subsection does not include a road or highway in the state
1-37 highway system.

1-38 (c) The Texas Department of Transportation shall develop
1-39 safety guidelines for the use of vehicular accident reconstruction
1-40 in investigations. A municipality, county, or designated official
1-41 shall comply with the guidelines.

1-42 (d) A designated official may temporarily lower prima facie
1-43 speed limits without the approval of or permission from the Texas
1-44 Department of Transportation. A designated official who intends to
1-45 temporarily lower a prima facie speed limit at the site of an
1-46 investigation using vehicular accident reconstruction shall, at
1-47 least 48 hours before temporary speed limit signs are posted for the
1-48 vehicular accident reconstruction site, provide to the Texas
1-49 Department of Transportation notice that includes:

1-50 (1) the date and time of the accident reconstruction;
1-51 (2) the location of the accident reconstruction site;
1-52 (3) the entities involved at the site;
1-53 (4) the general size of the area affected by the site;

1-54 and

1-55 (5) an estimate of how long the site will be used for
1-56 the accident reconstruction.

1-57 (e) A temporary speed limit established under this section:

1-58 (1) is a prima facie prudent and reasonable speed
1-59 limit enforceable in the same manner as other prima facie speed
1-60 limits established under other provisions of this subchapter; and

1-61 (2) supersedes any other established speed limit that
1-62 would permit a person to operate a motor vehicle at a higher rate of
1-63 speed.

2-1 (f) A designated official who temporarily lowers a speed
2-2 limit shall:

2-3 (1) place and maintain at the vehicular accident
2-4 reconstruction site temporary speed limit signs that conform to the
2-5 manual and specifications adopted under Section 544.001;

2-6 (2) temporarily conceal all other signs on the highway
2-7 segment affected by the vehicular accident reconstruction site that
2-8 give notice of a speed limit that would permit a person to operate a
2-9 motor vehicle at a higher rate of speed; and

2-10 (3) remove all temporary speed limit signs placed
2-11 under Subdivision (1) and concealments of other signs placed under
2-12 Subdivision (2) when the official finds that the vehicular accident
2-13 reconstruction is complete and all equipment is removed from the
2-14 vehicular accident reconstruction site.

2-15 (g) A temporary speed limit established under this section
2-16 is effective when a designated official places temporary speed
2-17 limit signs and conceals other signs that would permit a person to
2-18 operate a motor vehicle at a higher rate of speed as required under
2-19 Subsection (f).

2-20 (h) A temporary speed limit established under this section
2-21 is effective until the designated official under Subsection (a) or
2-22 (b):

2-23 (1) finds that the vehicular accident reconstruction
2-24 is complete; and

2-25 (2) removes all temporary signs, concealments, and
2-26 equipment used at the vehicular accident reconstruction site.

2-27 (i) If a designated official does not comply with the
2-28 requirements of Subsection (f)(3) for a vehicular accident
2-29 reconstruction on a state highway associated with the
2-30 reconstruction, the Texas Department of Transportation may remove
2-31 signs and concealments.

2-32 SECTION 3. Section 553.002, Transportation Code, is amended
2-33 by adding Subsection (d) to read as follows:

2-34 (d) This section does not apply to an ordinance enacted or a
2-35 temporary speed limit sign erected or operated under Section
2-36 545.3561.

2-37 SECTION 4. This Act takes effect September 1, 2011.

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