

SENATE AMENDMENTS

2nd Printing

By: Brown

H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the temporary lowering of prima facie speed limits at a
3 vehicular accident reconstruction site.

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

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

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

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

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

21 (b) A county commissioners court by order may give a
22 designated official discretion to temporarily lower prima facie
23 speed limits for a county road or highway outside the boundaries of
24 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.

ADOPTED

MAY 19 2011

Atty Gen
Secretary of the Senate

By: Ogden

H.B. No. 109

Substitute the following for ___B. No. _____:

By: [Signature]

C.S. ___B. No. _____

A BILL TO BE ENTITLED

1 AN ACT
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3 vehicular accident reconstruction site.

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

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

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

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

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

22 (b) A county commissioners court by order may give a
23 designated official with transportation engineering experience
24 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB109 by Brown (Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend several sections of the Transportation Code to authorize a municipality or a county commissioners court to temporarily lower prima facie speed limits at the site of reconstruction of an accident without seeking written approval from the Texas Department of Transportation (TxDOT), as defined by the provisions of the bill. TxDOT would be required to develop safety guidelines for the use of vehicular accident reconstruction in investigations. A municipality, county, or designated official must comply with TxDOT's guidelines and notify TxDOT at least 48 hours before posting signs of the temporary speed limit for the reconstruction site, and of the date and time, the location, the entities involved, the size of the area affected, and a time estimate for the vehicular accident reconstruction site of an investigation. TxDOT would be authorized to remove signs and concealments if a designated official does not comply with the requirements.

Based on the analysis by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, SD, KJG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 12, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB109 by Brown (Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.), **Committee Report 2nd House, Substituted**

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|---|
| No significant fiscal implication to the State is anticipated. |
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The bill would amend several sections of the Transportation Code to authorize a municipality or a county commissioners court to temporarily lower prima facie speed limits at the site of reconstruction of an accident without seeking written approval from the Texas Department of Transportation (TxDOT), as defined by the provisions of the bill. TxDOT would be required to develop safety guidelines for the use of vehicular accident reconstruction in investigations. A municipality, county, or designated official must comply with TxDOT's guidelines and notify TxDOT at least 48 hours before posting signs of the temporary speed limit for the reconstruction site, and of the date and time, the location, the entities involved, the size of the area affected, and a time estimate for the vehicular accident reconstruction site of an investigation. TxDOT would be authorized to remove signs and concealments if a designated official does not comply with the requirements.

Based on the analysis by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 20, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB109 by Brown (Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend several sections of the Transportation Code to authorize a municipality or a county commissioners court to temporarily lower prima facie speed limits at the site of reconstruction of an accident without seeking written approval from the Texas Department of Transportation (TxDOT), as defined by the provisions of the bill. TxDOT would be required to develop safety guidelines for the use of vehicular accident reconstruction in investigations. A municipality, county, or designated official must comply with TxDOT's guidelines and notify TxDOT of the date and location, the entities involved, the size of the area affected, and a time estimate for the vehicular accident reconstruction site of an investigation.

Based on the analysis by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 18, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB109 by Brown (Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend several sections of the Transportation Code to authorize a municipality or a county commissioners court to temporarily lower prima facie speed limits at the site of reconstruction of an accident without seeking written approval from the Texas Department of Transportation (TxDOT), as defined by the provisions of the bill. TxDOT would be required to develop safety guidelines for the use of vehicular accident reconstruction in investigations. A municipality, county, or designated official must comply with TxDOT's guidelines and notify TxDOT of the date and location, the entities involved, the size of the area affected, and a time estimate for the vehicular accident reconstruction site of an investigation.

Based on the analysis by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 22, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB109 by Brown (Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend several sections of the Transportation Code to authorize a municipality or a county commissioners court to temporarily lower prima facie speed limits at the site of reconstruction of an accident without seeking written approval from the Texas Department of Transportation, as defined by the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, TP