

SENATE AMENDMENTS

2nd Printing

By: Garza

H.B. No. 2596

A BILL TO BE ENTITLED

AN ACT

relating to the authority of local governments to set speed limits
on certain roadways.

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

SECTION 1. Subchapter A, Chapter 542, Transportation Code,
is amended by adding Section 542.0075 to read as follows:

Sec. 542.0075. TRAFFIC REGULATIONS: LOWERING OF SPEED LIMITS
IN PRIVATE SUBDIVISION. On the request of all of the property owners
adjacent to a privately maintained road located in a subdivision, a
commissioners court of a county in which the road is located may set
and enforce a speed limit of not less than 20 miles per hour on the
road in the same manner as provided by Section 542.007.

SECTION 2. Sections 545.356(b-1) and (b-2), Transportation
Code, are amended to read as follows:

(b-1) The governing body of a municipality, for a highway or
a part of a highway in the municipality that is not an officially
designated or marked highway or road of the state highway system,
may declare a lower speed limit of not less than 20 [~~25~~] miles per
hour, if the governing body determines that the prima facie speed
limit on the highway is unreasonable or unsafe.

(b-2) Subsection (b-1) applies only to a one-lane or
two-lane, undivided highway or part of a highway.

SECTION 3. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as

H.B. No. 2596

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.

ADOPTED

MAY 25 2011

H. Atay
Secretary of the Court
596

By: *Wentworth*

Substitute the following for ___B. No. _____:

By: *Wentworth*

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

1

2 relating to the authority of certain municipalities to lower speed
3 limits on certain highways.

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

5 SECTION 1. Section 545.356, Transportation Code, is amended
6 by amending Subsections (b-1), (c), and (d) and adding Subsection
7 (b-3) to read as follows:

8 (b-1) Except as provided by Subsection (b-3), the [The]
9 governing body of a municipality, for a highway or a part of a
10 highway in the municipality that is not an officially designated or
11 marked highway or road of the state highway system, may declare a
12 lower speed limit of not less than 25 miles per hour, if the
13 governing body determines that the prima facie speed limit on the
14 highway is unreasonable or unsafe.

15 (b-3) The governing body of a municipality with a population
16 of 2,000 or less, for a highway or a part of a highway in the
17 municipality that is a one-lane highway used for two-way access and
18 that is not an officially designated or marked highway or road of
19 the state highway system, may declare a lower speed limit of not
20 less than 10 miles per hour, if the governing body determines that
21 the prima facie speed limit on the highway is unreasonable or
22 unsafe.

23 (c) A prima facie speed limit that is altered by the
24 governing body of a municipality under Subsection (b), ~~(b-1)~~ (b-1),

1 or (b-3) is effective when the governing body erects signs giving
2 notice of the new limit and at all times or at other times as
3 determined.

4 (d) The governing body of a municipality that declares a
5 lower speed limit on a highway or part of a highway under Subsection
6 (b-1) or (b-3), not later than February 1 of each year, shall
7 publish on its Internet website and submit to the department a
8 report that compares for each of the two previous calendar years:

9 (1) the number of traffic citations issued by peace
10 officers of the municipality and the alleged speed of the vehicles,
11 for speed limit violations on the highway or part of the highway;

12 (2) the number of warning citations issued by peace
13 officers of the municipality on the highway or part of the highway;
14 and

15 (3) the number of vehicular accidents that resulted in
16 injury or death and were attributable to speed limit violations on
17 the highway or part of the highway.

18 SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

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

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

IN RE: HB2596 by Garza (Relating to the authority of certain municipalities to lower speed limits on certain highways.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize the governing body of a municipality to declare a lower speed limit of not less than 25 miles per hour, or not less than 10 miles in a municipality with a population of 2,000 or less with a one-lane highway used for two-way access, for a highway or a part of a highway in the municipality that is not an officially designed or marked highway or road of the state highway system if the governing body determined the prima facie speed limit was unreasonable or unsafe. The governing body of a municipality that lowers a speed limit would be required to publish certain information on its Internet website and submit a report to the Texas Department of Transportation not later than February 1 of each year.

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 19, 2011

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

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

IN RE: **HB2596** by Garza (Relating to the authority of certain municipalities to lower speed limits on certain highways.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize the governing body of a municipality to declare a lower speed limit of not less than 25 miles per hour, or not less than 10 miles in a municipality with a population of 2,000 or less with a one-lane highway used for two-way access, for a highway or a part of a highway in the municipality that is not an officially designed or marked highway or road of the state highway system if the governing body determined the prima facie speed limit was unreasonable or unsafe. The governing body of a municipality that lowers a speed limit would be required to publish certain information on its Internet website and submit a report to the Texas Department of Transportation not later than February 1 of each year.

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

May 11, 2011

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

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

IN RE: **HB2596** by Garza (Relating to the authority of local governments to set speed limits on certain roadways.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize a commissioners court to set and enforce a speed limit of not less than 20 miles per hour on a road in the county at the request of the property owners that are adjacent to a privately maintained road in a subdivision.

The bill also would lower the speed limit to not less than 20 miles per hour that the governing body of a municipality would be authorized to declare on a one-lane undivided highway if the governing body determined the prima facie speed limit was unreasonable or unsafe.

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 29, 2011

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

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

IN RE: **HB2596** by Garza (Relating to the authority of local governments to enact and enforce certain traffic regulations.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to enter into an agreement with a local government regarding the use of a transponder issued by the department and the corresponding electronic toll collection customer account to pay for parking services offered by the local government at a facility established by the local government under Chapter 22.

The bill would prohibit the governing body of a home-rule municipality, by ordinance, from requiring a permit to park on a public street or alley of the municipality if the street or alley is located within 1,000 feet of the Capitol view corridor and has a posted speed limit of 35 miles per hour or less.

The bill would authorize a commissioners court to set and enforce a speed limit of not less than 20 miles per hour on a road in the county at the request of the property owners that are adjacent to a privately maintained road in a subdivision.

The bill also would lower the speed limit to not less than 20 miles per hour that the governing body of a municipality would be authorized to declare on a one-lane undivided highway if the governing body determined the prima facie speed limit was unreasonable or unsafe.

According to TxDOT, any costs or duties could be absorbed within 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 15, 2011

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

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

IN RE: HB2596 by Garza (Relating to the authority to lower certain speed limits by local governments.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize a commissioners court to set and enforce a speed limit of not less than 20 miles per hour on a road in the county at the request of the property owners that are adjacent to a privately maintained road in a subdivision.

The bill also would lower the speed limit to not less than 20 miles per hour that the governing body of a municipality would be authorized to declare on a one-lane undivided highway if the governing body determined the prima facie speed limit was unreasonable or unsafe.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, KJG, TP