

House Bill 109
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(c) The Texas Department of Transportation shall develop safety guidelines for the use of vehicular accident reconstruction in investigations. A municipality, county, or

SENATE VERSION (CS)

SECTION 1. Same as House version.

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 **with transportation engineering experience establishing speed limits** 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 **with transportation engineering experience establishing speed limits** 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 accident reconstruction. The authority granted under this subsection does not include a road or highway in the state highway system.

(c) The Texas Department of Transportation shall develop safety guidelines for the use of vehicular accident reconstruction in investigations. A municipality, county, or

CONFERENCE

House Bill 109
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

designated official **must** comply with the guidelines.

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

- (1) the **date and** location of the accident reconstruction site;
- (2) the entities involved at the site;
- (3) the general size of the area affected by the site; and
- (4) a **time** estimate of how long the site will be used for the **investigation**.

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

- (1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and
- (2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

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

- (1) place and maintain at the vehicular accident reconstruction site temporary speed limit signs that conform to the manual and specifications adopted under Section 544.001;
- (2) temporarily conceal all other signs on the highway segment affected by the vehicular accident reconstruction site that give notice of a speed limit that would permit a person to

SENATE VERSION (CS)

designated official **shall** comply with the guidelines.

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

- (1) the date and time of the accident reconstruction;**
- (2) the location of the accident reconstruction site;
- (3) the entities involved at the site;
- (4) the general size of the area affected by the site; and
- (5) an estimate of how long the site will be used for the **accident reconstruction**.

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

- (1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and
- (2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

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

- (1) place and maintain at the vehicular accident reconstruction site temporary speed limit signs that conform to the manual and specifications adopted under Section 544.001;
- (2) temporarily conceal all other signs on the highway segment affected by the vehicular accident reconstruction site that give notice of a speed limit that would permit a person to

CONFERENCE

House Bill 109
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

operate a motor vehicle at a higher rate of speed; and
(3) remove all temporary speed limit signs placed under Subdivision (1) and concealments of other signs placed under Subdivision (2) when the official finds that the vehicular accident reconstruction is complete and all equipment is removed from the vehicular accident reconstruction site.
(g) A temporary speed limit established under this section is effective when a designated official places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed as required under Subsection (f).
(h) A temporary speed limit established under this section is effective until the designated official under Subsection (a) or (b):
(1) finds that the vehicular accident reconstruction is complete; and
(2) removes all temporary signs, concealments, and equipment used at the vehicular accident reconstruction site.

SECTION 3. Section 553.002, Transportation Code, is amended by adding Subsection (d) to read as follows:
(d) This section does not apply to an ordinance enacted or a temporary speed limit sign erected or operated under Section 545.3561.

SENATE VERSION (CS)

operate a motor vehicle at a higher rate of speed; and
(3) remove all temporary speed limit signs placed under Subdivision (1) and concealments of other signs placed under Subdivision (2) when the official finds that the vehicular accident reconstruction is complete and all equipment is removed from the vehicular accident reconstruction site.
(g) A temporary speed limit established under this section is effective when a designated official places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed as required under Subsection (f).
(h) A temporary speed limit established under this section is effective until the designated official under Subsection (a) or (b):
(1) finds that the vehicular accident reconstruction is complete; and
(2) removes all temporary signs, concealments, and equipment used at the vehicular accident reconstruction site.
(i) If a designated official does not comply with the requirements of Subsection (f)(3) for a vehicular accident reconstruction on a state highway associated with the reconstruction, the Texas Department of Transportation may remove signs and concealments.

SECTION 3. Same as House version.

CONFERENCE

House Bill 109
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION (CS)

SECTION 4. Same as House version.

CONFERENCE