

**BILL ANALYSIS**

C.S.H.B. 2204  
By: Pickett  
Transportation  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

According to interested parties, the Texas Transportation Commission currently lacks the authority to establish variable speed limits, which are used to lower speed limits in response to conditions like adverse weather, congestion, work zones, and traffic incidents. Regulating traffic flow through the use of variable speed limits has been shown to promote a smoother, safer flow of traffic and can be used to provide protection in maintenance work zones. C.S.H.B. 2204 seeks to improve safety and operational efficiency in areas of reduced road capacity and reduce the possibility of primary and secondary traffic crashes by providing the authority to establish variable speed limits to the commission.

**RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 of this bill.

**ANALYSIS**

C.S.H.B. 2204 amends the Transportation Code to authorize the Texas Transportation Commission by rule to establish a variable speed limit program to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit. The bill authorizes notice of a speed limit established under the program to be displayed using a stationary or portable changeable message sign. The bill requires a speed limit that is established under the program to be based on an engineering and traffic investigation. The bill authorizes such a speed limit to be effective for all or a designated portion of the highway and to be effective for any period of the day or night, as the Department of Public Safety determines necessary. The bill specifies that such a speed limit is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2204 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
------------	----------------------------

SECTION 1. Section 545.353, Transportation Code, is amended by adding Subsection (k) to read as follows:

(k) The commission by rule may establish a variable speed limit program to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway.

Notice of a speed limit established under the program may be displayed using a stationary or portable changeable message sign, as defined by Section 544.013. A speed limit that is established under the program:

(1) must be based on an engineering and traffic investigation;

(2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night, as the department determines necessary; and

(3) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 1. Section 545.353, Transportation Code, is amended by adding Subsection (k) to read as follows:

(k) The commission by rule may establish a variable speed limit program to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit.

Notice of a speed limit established under the program may be displayed using a stationary or portable changeable message sign, as defined by Section 544.013. A speed limit that is established under the program:

(1) must be based on an engineering and traffic investigation;

(2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night, as the department determines necessary; and

(3) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

SECTION 2. Same as introduced version.