

By: Martinez

H.B. No. 2975

A BILL TO BE ENTITLED

AN ACT

relating to speed limits; amending provisions subject to a general criminal penalty.

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

SECTION 1. Section 545.352, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A speed in excess of a limit [~~the limits~~] established by [~~Subsection (b) or under another provision of~~] this subchapter is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.

(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:

(1) [~~30 miles per hour~~] in an urban district:

(A) 30 miles per hour on a street other than an alley; or

(B) [~~and~~] 15 miles per hour in an alley;

(2) outside an urban district, for a vehicle that is not a school bus:

(A) [~~except as provided by Subdivision (4),~~] 70 miles per hour on a highway numbered by this state or the United States [~~outside an urban district~~], including a farm-to-market or ranch-to-market road; or

1 (B) [~~(3) except as provided by Subdivision (4),~~]
2 60 miles per hour on a highway that is [~~outside an urban district~~
3 ~~and~~] not [~~a highway~~] numbered by this state or the United States;

4 (3) [~~(4) outside an urban district:~~

5 [~~(A) 60 miles per hour if the vehicle is a school~~
6 ~~bus that has passed a commercial motor vehicle inspection under~~
7 ~~Section 548.201 and is on a highway numbered by the United States or~~
8 ~~this state, including a farm-to-market road; or~~

9 [~~(B) 50 miles per hour if the vehicle is a school~~
10 ~~bus that:~~

11 [~~(i) has not passed a commercial motor~~
12 ~~vehicle inspection under Section 548.201; or~~

13 [~~(ii) is traveling on a highway not~~
14 ~~numbered by the United States or this state;~~

15 [~~(5)] on a beach, 15 miles per hour; or~~

16 (4) [~~(6)] on a county road adjacent to a public beach,~~

17 15 miles per hour, if declared by the commissioners court of the

18 county.

19 (b-1) The following speeds are lawful for a school bus
20 operating outside an urban district:

21 (1) 60 miles per hour if the bus has passed a
22 commercial motor vehicle inspection under Section 548.201 and is
23 operating on a highway numbered by this state or the United States,
24 including a farm-to-market or ranch-to-market road; or

25 (2) 50 miles per hour if Subdivision (1) does not
26 apply.

27 SECTION 2. Section 545.353, Transportation Code, is amended

1 to read as follows:

2 Sec. 545.353. AUTHORITY OF TEXAS DEPARTMENT OF
3 TRANSPORTATION [~~COMMISSION~~] TO ALTER SPEED LIMITS. (a) If the
4 Texas Department of Transportation [~~Commission~~] determines from
5 the results of an engineering and traffic investigation that a
6 prima facie speed limit in this subchapter is unreasonable or
7 unsafe on a part of the highway system, the executive director or a
8 deputy director of the Texas Department of Transportation
9 [~~commission, by order recorded in its minutes~~], [and] except as
10 provided in Subsection (d), may determine and declare, in writing:

- 11 (1) a reasonable and safe prima facie speed limit; and
12 (2) another reasonable and safe speed because of wet
13 or inclement weather.

14 (b) In determining whether a prima facie speed limit on a
15 part of the highway system is reasonable and safe, the Texas
16 Department of Transportation [~~commission~~] shall consider:

- 17 (1) the results of an engineering and traffic
18 investigation;
19 (2) the width and condition of the pavement;
20 (3) [7] the usual traffic at the affected area; [7] and
21 (4) other circumstances.

22 (c) The Texas Department of Transportation shall provide
23 notice of a prima facie speed limit declared under this section on
24 the agency's Internet website for at least one year after the date
25 the speed limit is declared. The new [A prima facie speed] limit
26 [that is declared by the commission under this section] is
27 effective when the Texas Department of Transportation [~~commission~~]

1 erects signs giving notice of the new limit. A new limit that is
2 enacted for a highway under this section is effective at all times
3 or at other times as determined.

4 (d) The Texas Department of Transportation [~~Except as~~
5 ~~provided by Subsection (h-1), the commission~~] may not:

6 (1) modify the requirements of [~~rules established by~~]
7 Section 545.351(b);

8 (2) except as provided by Subsection (d-1), establish
9 a speed limit of more than 75 miles per hour; [~~or~~]

10 (3) increase the speed limit for a school bus; or

11 (4) establish, or agree to establish, a speed limit
12 for environmental purposes on a part of the highway system [~~vehicle~~
13 ~~described by Section 545.352(b)(4)~~].

14 (d-1) The Texas Department of Transportation may establish
15 the following prima facie speed limits under this section if the
16 agency determines that the speeds are reasonable and safe:

17 (1) up to 80 miles per hour on a part of Interstate
18 Highway 10 or Interstate Highway 20 in Crockett, Culberson,
19 Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves, Sutton, or Ward
20 County; or

21 (2) up to 85 miles per hour on a part of the state
22 highway system if that part of the highway system is designed to
23 accommodate travel at that established speed or a higher speed.

24 (e) The Texas Department of Transportation shall develop
25 and publish a manual that provides the information and procedures
26 necessary to establish a speed zone or an advisory speed on the
27 state highway system. The Texas Department of Transportation shall

1 follow the procedures in the manual when [~~commission, in~~
2 conducting an [~~the~~] engineering and traffic investigation for the
3 purposes of this section [~~specified by Subsection (a), shall follow~~
4 ~~the "Procedure for Establishing Speed Zones" as adopted by the~~
5 ~~commission~~]. The Texas Department of Transportation [~~commission~~]
6 may revise the manual [~~procedure~~] to accommodate technological
7 advancement in traffic operation, the design and construction of
8 highways and motor vehicles, and the safety of the motoring public.

9 (f) The [~~commission's~~] authority of the Texas Department of
10 Transportation to alter speed limits applies:

11 (1) to any part of a highway officially designated or
12 marked by the commission as part of the state highway system; and

13 (2) both inside and outside the limits of a
14 municipality, including a home-rule municipality, for a
15 limited-access or controlled-access highway.

16 (g) For purposes of this section, "wet or inclement weather"
17 means a condition of the roadway that makes driving on the roadway
18 unsafe and hazardous and that is caused by precipitation, including
19 water, ice, and snow.

20 [~~(h) Notwithstanding Section 545.352(b), the commission may~~
21 ~~establish a speed limit of 75 miles per hour on a part of the highway~~
22 ~~system if the commission determines that 75 miles per hour is a~~
23 ~~reasonable and safe speed for that part of the highway system.~~

24 [~~(h-1) Notwithstanding Section 545.352(b), the commission~~
25 ~~may establish a speed limit of 80 miles per hour on a part of~~
26 ~~Interstate Highway 10 or Interstate Highway 20 in Crockett,~~
27 ~~Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves,~~

1 ~~Sutton, or Ward County if the commission determines that 80 miles~~
2 ~~per hour is a reasonable and safe speed for that part of the~~
3 ~~highway.~~

4 ~~[(h-2) Notwithstanding Section 545.352(b), the commission~~
5 ~~may establish a speed limit not to exceed 85 miles per hour on a part~~
6 ~~of the state highway system if:~~

7 ~~[(1) that part of the highway system is designed to~~
8 ~~accommodate travel at that established speed or a higher speed; and~~

9 ~~[(2) the commission determines, after an engineering~~
10 ~~and traffic investigation, that the established speed limit is~~
11 ~~reasonable and safe for that part of the highway system.~~

12 ~~[(j) The commission may not determine or declare, or agree~~
13 ~~to determine or declare, a prima facie speed limit for~~
14 ~~environmental purposes on a part of the highway system.]~~

15 SECTION 3. Section 545.3535, Transportation Code, is
16 amended to read as follows:

17 Sec. 545.3535. AUTHORITY OF TEXAS DEPARTMENT OF
18 TRANSPORTATION [~~COMMISSION~~] TO ALTER SPEED LIMITS ON CERTAIN ROADS.

19 (a) The commissioners court of a county by resolution may request
20 that the Texas Department of Transportation [~~Commission to~~]
21 determine and declare a reasonable and safe prima facie speed limit
22 that is lower than a speed limit established by Section 545.352 on
23 any part of a farm-to-market or a ranch-to-market road of the
24 highway system that is located in that county and is without
25 improved shoulders.

26 (b) The Texas Department of Transportation [~~commission~~]
27 shall give consideration to local public opinion and may determine

1 and declare a lower speed limit on any part of the road without an
2 engineering and traffic investigation, but the agency [~~commission~~]
3 must use sound and generally accepted traffic engineering practices
4 in determining and declaring the lower speed limit.

5 (c) The Texas Department of Transportation [~~commission by~~
6 ~~rule~~] shall establish standards for determining lower speed limits
7 within a set range.

8 SECTION 4. Section 545.355(a), Transportation Code, is
9 amended to read as follows:

10 (a) The commissioners court of a county, for a county road
11 or highway outside the limits of the right-of-way of an officially
12 designated or marked highway or road of the state highway system and
13 outside a municipality, has the same authority to increase prima
14 facie speed limits from the results of an engineering and traffic
15 investigation as the Texas Department of Transportation
16 [~~Commission~~] on an officially designated or marked highway of the
17 state highway system.

18 SECTION 5. Sections 545.356(a) and (b), Transportation
19 Code, are amended to read as follows:

20 (a) The governing body of a municipality, for a highway or
21 part of a highway in the municipality, including a highway of the
22 state highway system, has the same authority to alter by ordinance
23 prima facie speed limits from the results of an engineering and
24 traffic investigation as the Texas Department of Transportation
25 [~~Commission~~] on an officially designated or marked highway of the
26 state highway system. The governing body of a municipality may not
27 modify the rule established by Section 545.351(a) or establish a

1 speed limit of more than 75 miles per hour.

2 (b) The governing body of a municipality, for a highway or
3 part of a highway in the municipality, including a highway of the
4 state highway system, has the same authority to alter prima facie
5 speed limits from the results of an engineering and traffic
6 investigation as the Texas Department of Transportation
7 [~~commission~~] for an officially designated or marked highway of the
8 state highway system, when the highway or part of the highway is
9 under repair, construction, or maintenance. A municipality may
10 not modify the rule established by Section 545.351(a) or establish
11 a speed limit of more than 75 miles per hour.

12 SECTION 6. Section 545.358, Transportation Code, is amended
13 to read as follows:

14 Sec. 545.358. AUTHORITY OF COMMANDING OFFICER OF UNITED
15 STATES MILITARY RESERVATION TO ALTER SPEED LIMITS. The commanding
16 officer of a United States military reservation, for a highway or
17 part of a highway in the military reservation, including a highway
18 of the state highway system, has the same authority by order to
19 alter prima facie speed limits from the results of an engineering
20 and traffic investigation as the Texas Department of Transportation
21 [~~Commission~~] for an officially designated or marked highway of the
22 state highway system. A commanding officer may not modify the rule
23 established by Section 545.351(a) or establish a speed limit of
24 more than 75 miles per hour.

25 SECTION 7. Section 545.359, Transportation Code, is amended
26 to read as follows:

27 Sec. 545.359. CONFLICTING DESIGNATED SPEED LIMITS. A prima

1 facie [~~An order of the Texas Transportation Commission declaring a~~
2 speed limit declared for ~~on~~] a part of a designated or marked route
3 of the state highway system [~~made~~] under Section 545.353 or 545.362
4 supersedes a [~~any~~] conflicting [~~designated~~] speed limit
5 established under Section [~~Sections~~] 545.356 or [~~and~~] 545.358.

6 SECTION 8. Section 545.361(e), Transportation Code, is
7 amended to read as follows:

8 (e) The Texas Department of Transportation [~~Commission~~],
9 for a state highway or [~~, the Texas Turnpike Authority, for~~] any
10 part of a turnpike constructed and maintained by the state
11 [~~authority~~], or [~~and~~] a local authority for a highway under the
12 jurisdiction of the local authority, may investigate a bridge or
13 other elevated structure that is a part of a highway. If after
14 conducting the investigation the agency [~~commission, turnpike~~
15 ~~authority,~~] or local authority finds that the structure cannot
16 safely withstand vehicles traveling at a speed otherwise
17 permissible under this subtitle, the agency [~~commission, turnpike~~
18 ~~authority,~~] or local authority shall:

19 (1) determine and declare the maximum speed of
20 vehicles that the structure can safely withstand; and

21 (2) post and maintain signs before each end of the
22 structure stating the maximum speed.

23 SECTION 9. Sections 545.362(a), (c), (d), (e), (f), (g),
24 (h), (i), and (j), Transportation Code, are amended to read as
25 follows:

26 (a) Subject to Subsection (c), the Texas Department of
27 Transportation [~~Commission~~] may enter an order establishing prima

1 facie speed limits of not more than 75 miles per hour applicable to
2 all highways, including a turnpike under the authority of the Texas
3 Turnpike Authority or a highway under the control of a municipality
4 or county. An order entered under this section does not have the
5 effect of increasing a speed limit on any highway.

6 (c) An order may be issued under Subsection (a) only if the
7 Texas Department of Transportation [~~commission~~] finds and states in
8 the order that:

9 (1) a severe shortage of motor fuel or other petroleum
10 product exists, the shortage was caused by war, national emergency,
11 or other circumstances, and a reduction of speed limits will foster
12 conservation and safety; or

13 (2) the failure to alter state speed limits will
14 prevent the state from receiving money from the United States for
15 highway purposes.

16 (d) Unless a specific speed limit is required by federal law
17 or directive under threat of loss of highway money of the United
18 States, the Texas Department of Transportation [~~commission~~] may not
19 set prima facie speed limits under this section of all vehicles at
20 less than 60 miles per hour, except on a divided highway of at least
21 four lanes, for which the Texas Department of Transportation
22 [~~commission~~] may not set prima facie speed limits of all vehicles at
23 less than 65 miles per hour.

24 (e) Before the Texas Department of Transportation
25 [~~commission~~] may enter an order establishing a prima facie speed
26 limit, it must hold a public hearing preceded by the publication in
27 at least three newspapers of general circulation in the state of a

1 notice of the date, time, and place of the hearing and of the action
2 proposed to be taken. The notice must be published at least 12 days
3 before the date of the hearing. At the hearing, all interested
4 persons may present oral or written testimony regarding the
5 proposed order.

6 (f) If the Texas Department of Transportation [~~commission~~]
7 enters an order under this section, it shall file the order in the
8 office of the governor. The governor shall then make an independent
9 finding of fact and determine the existence of the facts in
10 Subsection (c). Before the 13th day after the date the order is
11 filed in the governor's office, the governor shall conclude the
12 finding of fact, issue a proclamation stating whether the necessary
13 facts exist to support the issuance of the [~~commission's~~] order,
14 and file copies of the order and the proclamation in the office of
15 the secretary of state.

16 (g) If the governor's proclamation states that the facts
17 necessary to support the issuance of the [~~commission's~~] order
18 exist, the order takes effect according to Subsection (h).
19 Otherwise, the order has no effect.

20 (h) In an order issued under this section, the Texas
21 Department of Transportation [~~commission~~] may specify the date the
22 order takes effect, but that date may not be sooner than the eighth
23 day after the date the order is filed with the governor. If the
24 order does not have an effective date, it takes effect on the 21st
25 day after the date it is filed with the governor. Unless the order
26 by its own terms expires earlier, it remains in effect until a
27 subsequent order adopted by the procedure prescribed by this

1 section amends or repeals it, except that an order adopted under
2 this section expires when this section expires. The procedure for
3 repealing an order is the same as for adopting an order, except that
4 the Texas Department of Transportation [~~commission~~] and the
5 governor must find that the facts required to support the issuance
6 of an order under Subsection (c) no longer exist.

7 (i) If an order is adopted in accordance with this section,
8 the Texas Department of Transportation [~~commission~~] and all
9 governmental authorities responsible for the maintenance of
10 highway speed limit signs shall take appropriate action to conceal
11 or remove all signs that give notice of a speed limit of more than
12 the one contained in the order and to erect appropriate signs. All
13 governmental entities responsible for administering traffic safety
14 programs and enforcing traffic laws shall use all available
15 resources to notify the public of the effect of the order. To
16 accomplish this purpose, the governmental entities shall request
17 the cooperation of all news media in the state.

18 (j) A change in speed limits under this section is effective
19 until the Texas Department of Transportation [~~commission~~] makes a
20 finding that the conditions in Subsection (c) require or authorize
21 an additional change in those speed limits or in the highway or
22 sections of highway to which those speed limits apply.

23 SECTION 10. Section [545.363\(b\)](#), Transportation Code, is
24 amended to read as follows:

25 (b) When the Texas Department of Transportation
26 [~~Commission, the Texas Turnpike Authority~~], the commissioners
27 court of a county, or the governing body of a municipality, within

1 the jurisdiction of each, [~~as applicable,~~] as specified in this
2 subchapter [~~Sections 545.353 to 545.357~~], determines from the
3 results of an engineering and traffic investigation that slow
4 speeds on a part of a highway consistently impede the normal and
5 reasonable movement of traffic, the agency [~~commission,~~
6 ~~authority~~], county commissioners court, or governing body may
7 determine and declare a minimum speed limit on the highway.

8 SECTION 11. Section 548.201(b), Transportation Code, is
9 amended to read as follows:

10 (b) A program under this section also applies to any:

11 (1) vehicle or combination of vehicles with a gross
12 weight rating of more than 10,000 pounds that is operated in
13 interstate commerce and registered in this state;

14 (2) school activity bus, as defined in Section
15 541.201, that has a gross weight, registered weight, or gross
16 weight rating of more than 26,000 pounds, or is designed to
17 transport more than 15 passengers, including the driver; and

18 (3) school bus that will operate at a speed authorized
19 by Section 545.352 [~~545.352(b)(5)(A)~~].

20 SECTION 12. Sections 545.357 and 545.360, Transportation
21 Code, are repealed.

22 SECTION 13. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 14. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2015.