

By: Martinez

H.B. No. 2975

A BILL TO BE ENTITLED

AN ACT

relating to speed limits.

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

(B) [~~(3) except as provided by Subdivision (4),~~]

1 60 miles per hour on a highway that is [~~outside an urban district~~
2 ~~and~~] not [~~a highway~~] numbered by this state or the United States;

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

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

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

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

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

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

15 (4) [~~(6)] on a county road adjacent to a public beach,
16 15 miles per hour, if declared by the commissioners court of the
17 county.~~

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

20 (1) 60 miles per hour if the bus has passed a
21 commercial motor vehicle inspection under Section 548.201 and is
22 operating on a highway numbered by this state or the United States,
23 including a farm-to-market or ranch-to-market road; or

24 (2) 50 miles per hour if Subdivision (1) does not
25 apply.

26 SECTION 2. Section 545.353, Transportation Code, is amended
27 to read as follows:

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

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

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

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

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

1 enacted for a highway under this section is effective at all times
2 or at other times as determined.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~per hour is a reasonable and safe speed for that part of the~~
2 ~~highway.~~

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

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

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

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

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

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

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

25 (b) The Texas Department of Transportation [~~commission~~]
26 shall give consideration to local public opinion and may determine
27 and declare a lower speed limit on any part of the road without an

1 engineering and traffic investigation, but the agency [~~commission~~]
2 must use sound and generally accepted traffic engineering practices
3 in determining and declaring the lower speed limit.

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

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

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

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

19 (a) The governing body of a municipality, for a highway or
20 part of a highway in the municipality, including a highway of the
21 state highway system, has the same authority to alter by ordinance
22 prima facie speed limits from the results of an engineering and
23 traffic investigation as the Texas Department of Transportation
24 [~~Commission~~] on an officially designated or marked highway of the
25 state highway system. The governing body of a municipality may not
26 modify the rule established by Section 545.351(a) or establish a
27 speed limit of more than 75 miles per hour.

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

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

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

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

26 Sec. 545.359. CONFLICTING DESIGNATED SPEED LIMITS. A prima
27 facie [~~An order of the Texas Transportation Commission declaring a~~]

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

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

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

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

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

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

25 (a) Subject to Subsection (c), the Texas Department of
26 Transportation ~~[Commission]~~ may enter an order establishing prima
27 facie speed limits of not more than 75 miles per hour applicable to

1 all highways, including a turnpike under the authority of the Texas
2 Turnpike Authority or a highway under the control of a municipality
3 or county. An order entered under this section does not have the
4 effect of increasing a speed limit on any highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) When the Texas Department of Transportation
25 [~~Commission, the Texas Turnpike Authority~~], the commissioners
26 court of a county, or the governing body of a municipality, within
27 the jurisdiction of each, [~~as applicable,~~] as specified in this

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

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

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

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

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

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

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

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

1 before that date.

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