

By: Raney

H.B. No. 354

A BILL TO BE ENTITLED

AN ACT

relating to the process for establishing speed limits on roads near certain schools.

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

SECTION 1. Section 545.357, Transportation Code, is amended to read as follows:

Sec. 545.357. CONSIDERATION OF ~~[PUBLIC HEARING TO CONSIDER]~~ SPEED LIMITS WHERE CERTAIN SCHOOLS ARE LOCATED. (a) The governing body of a municipality in which a public or private elementary or secondary school, an open-enrollment charter school as defined by Section 5.001(6), Education Code, or an institution of higher education as defined by Section 61.003(8) or (15), Education Code, is located shall on request hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the municipality, including a highway of the state highway system, near the school or institution of higher education.

(b) If a county road outside the state highway system is located within 500 feet of a public or private elementary or secondary school, an open-enrollment charter school, or an institution of higher education that is not in a municipality, the commissioners court of the county on request shall hold a public hearing at least once each calendar year to consider the prima facie speed limit on the road near the school or institution of higher education.

1 (c) A municipal governing body or commissioners court on
2 request may hold one public hearing for all public and private
3 elementary and secondary schools, open-enrollment charter schools,
4 and institutions of higher education in its jurisdiction.

5 (d) The Texas Transportation Commission, on request, shall
6 hold a public hearing at least once each calendar year to consider
7 prima facie speed limits on highways in the state highway system
8 that are near public or private elementary or secondary schools,
9 open-enrollment charter schools, or institutions of higher
10 education.

11 (e) The municipal governing body, the commissioners court,
12 or the Texas Transportation Commission, as applicable, may not
13 reject a request for a prima facie speed limit by a public or
14 private elementary or secondary school, an open-enrollment charter
15 school, or an institution of higher education without first making
16 a written finding stating a compelling reason for the rejection.

17 (f) A school or institution may appeal a rejection of a
18 request for a prima facie speed limit under this section to the
19 district court of the county in which the school or institution is
20 located not later than the 90th day after the date the written
21 finding is made. If the district court determines that the
22 rejection of the request was not made for a compelling reason, the
23 court shall grant the requested prima facie speed limit.

24 SECTION 2. This Act takes effect September 1, 2017.