

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 545.355(b), Transportation Code, is amended to read as follows:

(b) The commissioners court of a county may declare a lower speed limit of not less than:

(1) 30 miles per hour on a county road or highway to which this section applies, if the commissioners court determines that the prima facie speed limit on the road or highway is unreasonable or unsafe; or

(2) 20 miles per hour:

(A) in a residence district, unless the roadway has been designated as a major thoroughfare by a city planning commission; or

(B) on a county road or highway to which this section applies that is located within 500 feet of an elementary, secondary, or open-enrollment charter school or an institution of higher education, if approved under Section 545.357.

SECTION 2. 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

1 body of a municipality in which a public or private elementary or
2 secondary school, an open-enrollment charter school, or an
3 institution of higher education [~~as defined by Section 61.003(8) or~~
4 ~~(15), Education Code,~~] is located shall, on request of the
5 governing body of a school or institution of higher education, hold
6 a public hearing at least once each calendar year to consider prima
7 facie speed limits on a highway in the municipality, including a
8 highway of the state highway system, near the school or institution
9 of higher education.

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

19 (c) A municipal governing body or commissioners court, on
20 request of the governing body of a school or institution of higher
21 education, may hold one public hearing for all public and private
22 elementary and secondary schools, open-enrollment charter schools,
23 and institutions of higher education in its jurisdiction.

24 (d) The Texas Transportation Commission, on request of the
25 governing body of a school or institution of higher education,
26 shall hold a public hearing at least once each calendar year to
27 consider prima facie speed limits on highways in the state highway

1 system that are near public or private elementary or secondary
2 schools, open-enrollment charter schools, or institutions of
3 higher education.

4 (e) On request of the governing body of a school or
5 institution of higher education following a public hearing held
6 under this section, the commissioners court, municipal governing
7 body, or Texas Transportation Commission, as applicable, shall
8 conduct an engineering and traffic investigation for the highway or
9 road that is the subject of the request. On review of the results of
10 the investigation, the commissioners court, municipal governing
11 body, or Texas Transportation Commission has the same authority and
12 discretion to alter prima facie speed limits as provided by Section
13 545.353, 545.355, or 545.356, as applicable. Following each public
14 hearing held under this section, the governing body of a school or
15 institution of higher education may make only one request under
16 this subsection for an engineering and traffic investigation.

17 (f) In this section:

18 (1) "Governing body of a school or institution of
19 higher education" means:

20 (A) the board of trustees of the school district
21 in which a public elementary or secondary school is located;

22 (B) the governing body of a private elementary or
23 secondary school;

24 (C) the governing body of an open-enrollment
25 charter school; or

26 (D) the governing board of an institution of
27 higher education.

1 (2) "Institution of higher education" means an
2 institution of higher education or a private or independent
3 institution of higher education, as those terms are defined by
4 Section 61.003, Education Code.

5 (3) "Open-enrollment charter school" has the meaning
6 assigned by Section 5.001, Education Code.

7 SECTION 3. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 3871 was passed by the House on May 3, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3871 on May 24, 2019, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3871 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor