

1-1 By: Krause (Senate Sponsor - Lucio) H.B. No. 3871
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 2019, read first time and referred to Committee on
1-4 Transportation; May 19, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Nichols	X		
1-10	Hancock	X		
1-11	Alvarado	X		
1-12	Hinojosa	X		
1-13	Kolkhorst	X		
1-14	Perry	X		
1-15	Rodríguez	X		
1-16	Schwertner	X		
1-17	West	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3871 By: Schwertner

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the process for establishing speed limits on roads near
1-22 certain schools.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 545.355(b), Transportation Code, is
1-25 amended to read as follows:

1-26 (b) The commissioners court of a county may declare a lower
1-27 speed limit of not less than:

1-28 (1) 30 miles per hour on a county road or highway to
1-29 which this section applies, if the commissioners court determines
1-30 that the prima facie speed limit on the road or highway is
1-31 unreasonable or unsafe; or

1-32 (2) 20 miles per hour;

1-33 (A) in a residence district, unless the roadway
1-34 has been designated as a major thoroughfare by a city planning
1-35 commission; or

1-36 (B) on a county road or highway to which this
1-37 section applies that is located within 500 feet of an elementary,
1-38 secondary, or open-enrollment charter school or an institution of
1-39 higher education, if approved under Section 545.357.

1-40 SECTION 2. Section 545.357, Transportation Code, is amended
1-41 to read as follows:

1-42 Sec. 545.357. ~~CONSIDERATION OF [PUBLIC HEARING TO CONSIDER]~~
1-43 ~~SPEED LIMITS WHERE CERTAIN SCHOOLS ARE LOCATED.~~ (a) The governing
1-44 body of a municipality in which a public or private elementary or
1-45 secondary school, an open-enrollment charter school, or an
1-46 institution of higher education [as defined by Section 61.003(8) or
1-47 (15), Education Code,] is located shall, on request of the
1-48 governing body of a school or institution of higher education, hold
1-49 a public hearing at least once each calendar year to consider prima
1-50 facie speed limits on a highway in the municipality, including a
1-51 highway of the state highway system, near the school or institution
1-52 of higher education.

1-53 (b) If a county road outside the state highway system is
1-54 located within 500 feet of a public or private elementary or
1-55 secondary school, an open-enrollment charter school, or an
1-56 institution of higher education that is not in a municipality, the
1-57 commissioners court of the county, on request of the governing body
1-58 of a school or institution of higher education, shall hold a public
1-59 hearing at least once each calendar year to consider the prima facie
1-60 speed limit on the road near the school or institution of higher

2-1 education.

2-2 (c) A municipal governing body or commissioners court, on
2-3 request of the governing body of a school or institution of higher
2-4 education, may hold one public hearing for all public and private
2-5 elementary and secondary schools, open-enrollment charter schools,
2-6 and institutions of higher education in its jurisdiction.

2-7 (d) The Texas Transportation Commission, on request of the
2-8 governing body of a school or institution of higher education,
2-9 shall hold a public hearing at least once each calendar year to
2-10 consider prima facie speed limits on highways in the state highway
2-11 system that are near public or private elementary or secondary
2-12 schools, open-enrollment charter schools, or institutions of
2-13 higher education.

2-14 (e) On request of the governing body of a school or
2-15 institution of higher education following a public hearing held
2-16 under this section, the commissioners court, municipal governing
2-17 body, or Texas Transportation Commission, as applicable, shall
2-18 conduct an engineering and traffic investigation for the highway or
2-19 road that is the subject of the request. On review of the results of
2-20 the investigation, the commissioners court, municipal governing
2-21 body, or Texas Transportation Commission has the same authority and
2-22 discretion to alter prima facie speed limits as provided by Section
2-23 545.353, 545.355, or 545.356, as applicable. Following each public
2-24 hearing held under this section, the governing body of a school or
2-25 institution of higher education may make only one request under
2-26 this subsection for an engineering and traffic investigation.

2-27 (f) In this section:

2-28 (1) "Governing body of a school or institution of
2-29 higher education" means:

2-30 (A) the board of trustees of the school district
2-31 in which a public elementary or secondary school is located;

2-32 (B) the governing body of a private elementary or
2-33 secondary school;

2-34 (C) the governing body of an open-enrollment
2-35 charter school; or

2-36 (D) the governing board of an institution of
2-37 higher education.

2-38 (2) "Institution of higher education" means an
2-39 institution of higher education or a private or independent
2-40 institution of higher education, as those terms are defined by
2-41 Section 61.003, Education Code.

2-42 (3) "Open-enrollment charter school" has the meaning
2-43 assigned by Section 5.001, Education Code.

2-44 SECTION 3. This Act takes effect September 1, 2019.

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