

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Krause

H.B. No. 3871

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

(3) 15 miles per hour on a county road or highway 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 body of a municipality in which a public or private elementary or

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

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

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

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

1 schools, open-enrollment charter schools, or institutions of  
2 higher education.

3 (e) The municipal governing body, the commissioners court,  
4 or the Texas Transportation Commission, as applicable, may not  
5 reject a request for a prima facie speed limit by a public or  
6 private elementary or secondary school, an open-enrollment charter  
7 school, or an institution of higher education without first making  
8 a written finding stating a reasonable basis for the rejection.

9 (f) The governing body of a school or institution of higher  
10 education may appeal a rejection of a request for a prima facie  
11 speed limit under this section to the district court of the county  
12 in which the school or institution is located not later than the  
13 90th day after the date the written finding is made. If the  
14 governing body shows by clear and convincing evidence that the  
15 rejection of the request was not based on accepted traffic  
16 management principles, the district court may grant the requested  
17 prima facie speed limit.

18 (g) The governing body of a school or institution of higher  
19 education may consult with the Texas Department of Transportation,  
20 the Texas Transportation Commission, and local transportation  
21 authorities on the feasibility of a prima facie speed limit during  
22 the acquisition and design of property for a public or private  
23 elementary or secondary school, an open-enrollment charter school,  
24 or an institution of higher education.

25 (h) In this section:

26 (1) "Governing body of a school or institution of  
27 higher education" means:

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

3                   (B) the governing body of a private elementary or  
4 secondary school;

5                   (C) the governing body of an open-enrollment  
6 charter school; or

7                   (D) the governing board of an institution of  
8 higher education.

9                   (2) "Institution of higher education" means an  
10 institution of higher education or a private or independent  
11 institution of higher education, as those terms are defined by  
12 Section 61.003, Education Code.

13                   (3) "Open-enrollment charter school" means a school  
14 that has been granted a charter under Subchapter D or E, Chapter 12,  
15 Education Code.

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

ADOPTED

MAY 22 2019

By:

LUCIO

*Leticia Gaud*  
Secretary of the Senate

H.B. No. 3871

Substitute the following for H.B. No. 3871:

By:

*[Signature]*

C.S. H.B. No. 3871

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(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 HEARINGS 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.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3871** by Krause (Relating to the process for establishing speed limits on roads near certain schools.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to authorize the commissioners court of a county to declare a lower speed limit on certain roads within 500 feet of certain educational institutions in certain circumstances.

According to the Department of Transportation, the bill would have a minimal fiscal impact on the agency.

**Local Government Impact**

According to the Texas Association of Counties, the bill would have a fiscal impact on counties, however, the extent of the fiscal impact cannot be determined at this time.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** WP, JGAn, SD, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 17, 2019**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3871** by Krause (relating to the process for establishing speed limits on roads near certain schools.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

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**Source Agencies:** 601 Department of Transportation

**LBB Staff:** WP, JGAn, SD, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 7, 2019**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3871** by Krause (Relating to the process for establishing speed limits on roads near certain schools.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Transportation Code to authorize the commissioners court of a county to declare a lower speed limit on certain roads within 500 feet of certain educational institutions with the approval of the Texas Transportation Commission (TTC). The bill would also make several conforming changes relating to the procedures by which TTC would assess these requests and provide a mechanism for an appeal of a denial by TTC to a district court.

According to the Department of Transportation, the bill would have a minimal undeterminable negative fiscal impact associated with the cost to replace any signs that would reflect lower speed limits on a road on the state highway system. These impacts could be absorbed with existing resources.

**Local Government Impact**

According to the Texas Association of Counties, the bill would not have a significant fiscal impact on counties.

According to the Texas Municipal League, the bill is not anticipated to have a significant fiscal impact on cities.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** WP, JGAn, SD, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 16, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director     Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB3871** by Krause (Relating to the process for establishing speed limits on roads near certain schools.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to authorize the commissioners court of a county to declare a lower speed limit on certain roads within 500 feet of certain educational institutions with the approval of the Texas Transportation Commission (TTC). The bill would also make several conforming changes relating to the procedures by which TTC would assess these requests and provide a mechanism for an appeal of a denial by TTC to a district court.

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**Local Government Impact**

According to the Texas Association of Counties, the bill would not have a significant fiscal impact on counties.

According to the Texas Municipal League, the bill is not anticipated to have a significant fiscal impact on cities.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** WP, JGAn, SD, GP