

House Bill 3871
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 secondary school, an open-enrollment charter school, or an institution of higher education [~~as defined by Section 61.003(8) or (15), Education Code,~~] is located shall, on request of the governing body of a school or institution of higher education, 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

SENATE VERSION (CS)

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 body of a municipality in which a public or private elementary or secondary school, an open-enrollment charter school, or an institution of higher education [~~as defined by Section 61.003(8) or (15), Education Code,~~] is located shall, on request of the governing body of a school or institution of higher education, 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

CONFERENCE

House Bill 3871
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 of the governing body of a school or institution of higher education, 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.

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

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

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

SENATE VERSION (CS)

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 of the governing body of a school or institution of higher education, 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.

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

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

CONFERENCE

House Bill 3871
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SENATE VERSION (CS)

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

CONFERENCE

House Bill 3871
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(h) In this section:

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

(f) In this section:

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

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

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

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

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

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

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

SECTION 3. Same as House version.

CONFERENCE