

BILL ANALYSIS

C.S.H.B. 442
By: Israel
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that lowering the prima facie speed limit in residential neighborhoods will ensure motor vehicles are driven at more reasonable speeds in the presence of pedestrians and children at play. Studies indicate that children under 14 years of age are uniquely at risk of pedestrian injury due to a lack of developed motor skills, cognition, and perceptual judgment. Furthermore, reports indicate that even a speed limit reduction of five miles per hour may significantly raise a pedestrian's odds of survival in an accident. However, in Texas, cities may only lower individual street speed limits after conducting extensive traffic studies, fulfilling reporting requirements, and installing speed limit signs on each street being modified, which all come at a cost to local taxpayers. C.S.H.B. 442 seeks to address this issue by revising the applicability of certain study, report, and signage requirements for lowering a speed limit.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 442 amends the Transportation Code to make the following changes regarding a municipality's authority to declare a lower speed limit for certain two-lane, undivided highways or parts of a highway if the prima facie speed limit is determined to be unreasonable or unsafe:

- exempts the municipality from the requirement to perform an engineering or traffic investigation if the applicable street is located in a residence district; and
- excludes such a speed limit alteration from the applicability of the following provisions:
 - a provision specifying that an altered speed limit is effective when the municipality's governing body erects signs giving notice of the new limit and at all times or at other times as determined; and
 - a provision requiring the annual publication of a report regarding citations and accidents on a highway or part of a highway with a lowered speed limit and the submission of that report to the Department of Public Safety (DPS).

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 442 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the original's provisions establishing a prima facie speed limit of 25 miles per hour for a street other than an alley that meets the following criteria:

- is located in a residence district in the municipality; and
- is not officially designated or marked as part of the state highway system.

The substitute includes the following, which were not in the original:

- an exemption for a municipality from the requirement to perform an engineering or traffic investigation if the applicable street is located in a residence district;
- a provision excluding the speed limit alteration from the applicability of a provision specifying when an altered speed limit is effective; and
- a provision excluding the speed limit alteration from the applicability of a provision requiring the annual publication of a report regarding citations and accidents on a highway or part of a highway with a lowered speed limit and the submission of that report to DPS.

The original removed the statutory requirement that a governing body of a municipality that lowered the speed limit on a highway or part of a highway include the number of warning citations issued by the municipality's peace officers on that highway or part of the highway as part of certain annual reporting requirements, whereas the substitute retains that requirement.