

BILL ANALYSIS

Senate Research Center

H.B. 3282
By: Canales (Nichols)
Transportation
5/3/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Transportation Commission has the authority to lower speed limits for work zones in future state highway construction projects. However, current law does not provide the authority and flexibility necessary to quickly lower speed limits in state highway maintenance work zones daily or on a job-by-job basis. The bill seeks to ensure the safety of highway maintenance workers, contractors, and the traveling public by authorizing a district engineer of the Texas Department of Transportation to temporarily lower a prima facie speed limit under certain circumstances.

H.B. 3282 amends current law relating to the authority of a district engineer for the Texas Department of Transportation to temporarily lower the speed limit at a highway maintenance activity site.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 545, Transportation Code, by adding Section 545.3531, as follows:

Sec. 545.3531. AUTHORITY OF DISTRICT ENGINEER TO TEMPORARILY LOWER SPEED LIMIT AT HIGHWAY MAINTENANCE ACTIVITY SITE. (a) Authorizes a district engineer of the Texas Department of Transportation (TxDOT) to temporarily lower a prima facie speed limit for a highway or part of a highway currently under construction in a district if the district engineer determines that the prima facie speed limit for the highway or part of highway is unreasonable or unsafe because of highway maintenance activities at the site.

(b) Authorizes a district engineer to temporarily lower a prima facie speed limit under this section without the approval of or permission from the Texas Transportation Commission (TTC).

(c) Provides that a temporary speed limit established under this section is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of Subchapter H (Speed Restrictions), and supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

(d) Requires TxDOT, after a district engineer temporarily lowers a speed limit under this section, to:

(1) place and maintain at the maintenance activity site temporary speed limit signs that conform to the manual and specifications adopted under Section 544.001 (Adoption of Sign Manual for State Highways);

(2) temporarily conceal all other signs on the highway or part of a highway affected by the maintenance activity that give notice of a speed limit that would permit a person to operate a motor vehicle at a higher rate of speed; and

(3) remove all temporary speed limit signs placed under Subdivision (1) and concealments of other signs placed under Subdivision (2) when the temporary speed limit expires under Subsection (f).

(e) Provides that a temporary speed limit established under this section is effective when TxDOT, as required under Subsection (d), places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed.

(f) Provides that a temporary speed limit established under this section:

(1) is effective until the earlier of the 45th day after the date the limit becomes effective or the date on which the district engineer determines that the maintenance activity has been completed and all equipment has been removed from the maintenance activity site;

(2) is prohibited from being extended unless established by TTC under Section 545.353 (Authority of Texas Transportation Commission to Alter Speed Limits); and

(3) is prohibited from being used as a speed trap by local or state law enforcement.

SECTION 2. Effective date: upon passage or September 1, 2021.