

BILL ANALYSIS

Senate Research Center

H.B. 1885
By: Canales (Nichols)
Transportation
5/8/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Transportation Commission lacks the authority to establish variable speed limits, which are used to lower speed limits in response to conditions like adverse weather, congestion, work zones, and traffic incidents. Lowering speed limits in these situations may improve traffic safety and decrease road deaths. H.B. 1885 seeks to provide the Texas Transportation Commission the authority to establish variable speed limits to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic.

H.B. 1885 amends the Transportation Code to authorize the Texas Transportation Commission by rule to establish a variable speed limit program to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has authority to establish a speed limit. Notice of a speed limit established under the program may be displayed using a stationary or portable changeable message sign. The bill requires such an established speed limit to be based on an engineering and traffic investigation, provides for it to be effective for all or a designated portion of the highway and for any period of the day or night, prescribes posting and signage requirements for it to be effective, and prohibits it from being less than 10 miles per hour below the prima facie speed limit on the portion of the highway to which it applies.

H.B. 1885 amends current law relating to the authority of the Texas Transportation Commission to establish variable speed limits.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1 (Section 545.353, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.353, Transportation Code, by adding Subsection (k), as follows:

(k) Requires the Texas Transportation Commission (TTC) by rule to establish a variable speed limit program (program) to allow the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which TTC has the authority to establish a speed limit. Authorizes notice of a speed limit established under the program to be displayed using a stationary or portable changeable message sign, as defined by Section 544.013 (Changeable Message Sign System). Prohibits the program from authorizing the lowering of a speed limit to divert traffic to a toll road for the purpose of increasing revenue from toll charges. Provides that a speed limit that is established under the program:

(1) is required to be based on an engineering and traffic investigation;

(2) is authorized to be effective for all or a designated portion of the highway and to be effective for any period of the day or night, as the Texas Department of Transportation determines necessary;

(3) is prohibited from being less than 10 miles per hour below the prima facie speed limit on the portion of the highway to which it applies; and

(4) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

SECTION 2. Effective date: upon passage or September 1, 2023.