

SUBJECT: Lowering speed limits near facilities where school-related events are held

COMMITTEE: Transportation — favorable, without amendment

VOTE: 6 ayes — Krusee, Phillips, Hamric, Garza, Hill, Mercer
0 nays
3 absent — Edwards, Harper-Brown, Laney

WITNESSES: For — Roland Gonzales
Against — None
On — Michael Behrens, Texas Department of Transportation

BACKGROUND: Transportation Code, sec. 545.352 sets prima facie speed limits on Texas roadways. Sec. 545.353 requires engineering and traffic investigations before municipalities, counties, and the Texas Transportation Commission (TTC), the appointed governing body of the Texas Department of Transportation (TxDOT), may reduce speed limits for being unreasonable or unsafe. Under sec. 545.359, speed limits set by TTC on designated routes of the state highway system supersede any conflicting municipal speed limits.

DIGEST: HB 37 would add a new section on speed limits near sites of school-related activities. Local governing bodies and the TTC could reduce prima facie speed limits on state highway system roads or on road segments near facilities where school-related activities occurred without conducting engineering and traffic investigations. Municipalities could reduce speed limits only on roadways within city limits, including those on the state highway system. Likewise, county commissioners courts would have the same authority only for off-system county roads not within city limits.

Before reducing speed limits, however, the governing bodies would have to determine that:

- the roadways were near facilities where public or private elementary or secondary school students or college or university students participated in school-related activities;
- the roadways' prima facie speed limits were unreasonable all or some of the time; and
- lower speed limits were necessary for participants' or attendees' safety all or some of the time.

TTC orders reducing speed limits under the bill would supersede conflicting speed limits designated by municipalities under the bill.

Reduced speed limits would take effect when governmental entities erected signs stating the new limits and the times they would take effect. The bill would not allow municipalities to modify state law prohibiting vehicles from traveling at unreasonable or imprudent speeds for the existing circumstances.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

In many Texas counties, cities, and towns, school-related activities are conducted at off-campus sites where speed limits on surrounding roads are too high to protect participating students and spectators adequately. Students across Texas have been struck and killed by speeders while attending school-related events. HB 37 would broaden the authority of cities and counties to reduce speed limits at specific times without the additional and time-consuming step of a traffic engineering investigation. Such studies may not be able to account for sporadic changes in traffic patterns that occur during special events or at certain times of the school year.

The bill would enable cities and counties, as well as TxDOT, to be more proactive in ensuring public safety and promoting safe driving. It would give them the flexibility to designate specific days and times for lower speed limits corresponding with regularly scheduled activities and facilities' hours of operation.

TxDOT should not be allowed to delay or thwart communities that want to protect their school children. Nevertheless, the bill would allow TTC to retain

its authority under existing law to supersede local speed-limit decisions by lowering them less than municipality might do.

TxDOT's policy of prioritizing school zone speed-limit requests might not apply in these cases, because the facilities are off campus and the activities are not held during regular school hours.

**OPPONENTS
SAY:**

HB 37 is unnecessary. TTC can reduce speed limits on highways near sites of school-related activities under current TxDOT rules. Procedurally, TxDOT must cooperate with cities in setting speed limits on highway segments located within city limits, and TxDOT gives school zone requests top priority.

The bill would usurp well-established traffic planning long used by all levels of government. Traffic engineering investigations are an essential element of transportation policymaking and should not be abrogated. They provide data essential to ensure optimal effectiveness, compliance, and enforcement. If the situations referenced indirectly by the bill are unsafe, investigations would bear that out. Temporary measures, such as increased enforcement, could be invoked if necessary while the investigations were pending.

HB 37 is vague as to what school-related activities would qualify for lower speed limits and as to why they would take precedence in state law over other kinds of activities that could create traffic safety hazards or speed-limit enforcement problems.

Changing traffic laws does not always change driving behavior. Most traffic accidents and deaths occur not because speed limits or other traffic laws are too lenient or unenforced, but because drivers ignore them.

**OTHER
OPPONENTS
SAY:**

Rather than allow cities and counties to eliminate engineering and traffic investigations altogether, the state should grant local governments and TTC temporary authority to reduce speed limits or should designate the lower limits as interim limits, pending the outcome of the investigations.