

**SUBJECT:** Lowering speed limits at crash site investigations without state approval

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 11 ayes — Phillips, Darby, Bonnen, Y. Davis, Fletcher, Harper-Brown, Lavender, Martinez, McClendon, Pickett, Rodriguez  
0 nays

**WITNESSES:** For — None  
Against — None  
On — Amadeo Saenz, Texas Department of Transportation (TxDOT)

**BACKGROUND:** Current law prohibits local governments from placing or operating traffic signals or signs without permission from TxDOT.

**DIGEST:** CSHB 109 would permit municipal governments and county commissioners courts to designate an official who could temporarily lower speed limits at accident reconstruction sites without first obtaining TxDOT permission. A city could lower speed limits on any roadway, including portions of a state highway, to make these investigations. Counties would be limited to decreasing speed limits only on county roads and highways outside the city that were not part of the state highway system.

Temporary speed limits set during the crash scene investigation would supersede existing speed limits on the roadway and would be enforceable in the same manner as the regular speed limit. The designated local official would have to post signs conforming with Texas Transportation Commission standards to notify motorists of the lowered speed limit and would have to conceal existing speed limit signs temporarily. The lowered speed limit would be effective while the speed limit signs were displayed. The existing speed limit would be restored once the designated local official determined that the accident reconstruction investigation was complete and once the temporary signs, items concealing the existing signs, and all equipment were removed.

While the designated local official would be allowed to temporarily reduce the speed limits without TxDOT approval, the official would have to notify TxDOT of the following:

- the date and location of the accident investigation site;
- the entities involved at the site;
- the general size of the area affected by the site; and
- the estimated time of how long the site would be used for the investigation.

TxDOT would have to develop safety guidelines for accident reconstruction investigations, with which local governments would have to comply.

The bill would take effect on September 1, 2011.

**SUPPORTERS  
SAY:**

CSHB 109 would eliminate delays and streamline administrative processes to make necessary arrangements for accident reconstruction investigations. Cities and counties still would have to adhere to TxDOT traffic safety regulations and post adequate warnings to motorists when they temporarily lowered speed limits. TxDOT officials would have to be notified of the planned investigation, but would not have to conduct a time-consuming review to approve it. The bill would potentially save money for both TxDOT and local governments by streamlining the process.

Temporarily lowering the speed limit is necessary to protect the safety of law enforcement personnel who are investigating vehicle accidents, particularly those involving fatalities and major injuries. These re-creations of the accident can be crucial in court to determine who is at fault. Persons working at these sites deserve to be protected.

City and county authorities should have the discretion to designate the official responsible for temporarily lowering speed limits and reporting to TxDOT. The designation likely would be made for an extended period and would cover these situations as they occurred. City and county officials should be trusted to name an administrator with either a law enforcement or transportation background, such as the police chief, sheriff, city or county engineer, or transportation director. The designation should not be overly specified in statute to allow local flexibility.

TxDOT should retain the right of prior review for investigations on state highways outside of city limits, particularly in rural areas. These areas typically have higher speed limits and more hazardous road conditions. TxDOT would be better suited to define the rules for state highways in rural areas of counties versus urban areas.

CSHB 109 would require proper signs to announce the temporarily reduced speed limits and conceal the existing speed limit signs. Current law already calls for reduced speed limits when law enforcement and emergency vehicles display flashing lights. Emergency vehicles with flashing lights likely would provide additional warning to motorists as they typically do at roadway construction sites. Temporarily reduced speed limits would be subject to the same enforceability standards as the regularly existing speed limits.

**OPPONENTS  
SAY:**

CSHB 109 should better define the “designated official” who could lower speed limits for crash site investigations because this person would have wide discretion to manage these crash site investigations. Current law is silent on this person’s identity, and the bill provides neither further definition nor guidance.

Counties should have the same power as cities to conduct crash site investigations on state highways without prior TxDOT approval. The likely rationale for the distinction is based on outdated perceptions of unincorporated areas of counties and where Texans actually live. According to 2010 census data, the greatest population growth has occurred in unincorporated areas of urbanizing counties. These areas have become indistinguishable from the surrounding subdivisions and neighborhoods. For example, CSHB 109 could delay an investigation on FM 1960 in Harris County pending TxDOT approval, even though that portion of highway is in an unincorporated area with a population of more than 2.2 million.

A temporarily reduced speed limit could create a “speed trap,” allowing law enforcement to issue citations more easily to motorists accustomed to the usual posted limits.

**NOTES:**

The committee substitute differs from the original versions of the bill by requiring TxDOT to develop safety guidelines for accident reconstruction investigations and requiring local officials to comply with those standards.

The committee substitute also added a provision that the local official would have to provide TxDOT with notice of the planned investigation.