

BILL ANALYSIS

Senate Research Center
84R20636 AAF-D

H.B. 509
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Transportation
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a public or private elementary or secondary school or an institution of higher education is authorized to request from the state, city, or county, as applicable, that the entity consider prima facie speed limits on a highway or road near the school. These parties note that, in order to better protect students as they enter and exit the school grounds, there should be an appeal process for a school that has such a request denied.

H.B. 509 establishes an appeal process for a school or institution that has been denied its application for a school zone. The bill establishes a time limit for the appeal, and requires that the originating entity that issued the denial state, in writing, the reason for the rejected application. The bill also states that the initial application for a school zone shall be approved unless compelling evidence exists for its rejection.

H.B. 509 also allows a county commissioners court of the authority to declare a lower speed limit on a county road or highway located within 500 feet of an elementary, secondary, or open-enrollment charter school or an institution of higher education. Finally, it adds open-enrollment charter schools to the list of schools that may apply for a school zone.

H.B. 509 amends current law relating to the process for establishing speed limits on roads near certain schools.

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 Section 545.355(b), Transportation Code, as follows:

(b) Authorizes the commissioners court of a county to declare a lower speed limit of not less than:

- (1) 30 miles per hour on a county road or highway to which this section applies, if the commissioners court determines that the prima facie speed limit on the road or highway is unreasonable or unsafe;
- (2) 20 miles per hour in a residence district, unless the roadway has been designated as a major thoroughfare by a city planning commission; or
- (3) 15 miles per hour on a county road or highway located within 500 feet of an elementary, secondary, or open-enrollment charter school or an institution of higher education, if approved under Section 545.357.

Makes a nonsubstantive change.

SECTION 2. Amends Section 545.357, Transportation Code, as follows:

Sec. 545.357. New heading: CONSIDERATION OF SPEED LIMITS WHERE CERTAIN SCHOOLS ARE LOCATED. (a) Requires the governing body of a municipality in which a public or private elementary or secondary school, an open-enrollment charter school as defined by Section 5.001(6) (defining "open-enrollment charter school"), Education Code, or an institution of higher education as defined by Section 61.003(8) (defining "institution of higher education") or (15) (defining "private or independent institution of higher education"), Education Code, is located to, on request of the governing body of a school or institution of higher education, hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the municipality, including a highway of the state highway system, near the school or institution of higher education.

(b) Requires the commissioners court of the county, on request of the governing body of a school or institution of higher education, if a county road outside the state highway system is located within 500 feet of a public or private elementary or secondary school, an open-enrollment charter school, or an institution of higher education that is not in a municipality, to hold a public hearing at least once each calendar year to consider the prima facie speed limit on the road near the school or institution of higher education.

(c) Authorizes a municipal governing body or commissioners court, on request of the governing body of a school or institution of higher education, to hold one public hearing for all public and private elementary and secondary schools, open-enrollment charter schools, and institutions of higher education in its jurisdiction.

(d) Requires the Texas Transportation Commission (TTC), on request of the governing body of a school or institution of higher education, to hold a public hearing at least once each calendar year to consider prima facie speed limits on highways in the state highway system that are near public or private elementary or secondary schools, open-enrollment charter schools, or institutions of higher education.

(e) Prohibits the municipal governing body, the commissioners court, or TTC, as applicable, from rejecting a request for a prima facie speed limit by a public or private elementary or secondary school, an open-enrollment charter school, or an institution of higher education without first making a written finding stating a reasonable basis for the rejection.

(f) Authorizes the governing body of a school or institution of higher education to appeal a rejection of a request for a prima facie speed limit under this section to the district court of the county in which the school or institution is located not later than the 90th day after the date the written finding is made. Authorizes the district court, if the governing body shows by clear and convincing evidence that the rejection of the request was not based on accepted traffic management principles, to grant the requested prima facie speed limit.

(g) Authorizes the governing body of a school or institution of higher education to consult with the Texas Department of Transportation, TTC, and local transportation authorities on the feasibility of a prima facie speed limit during the acquisition and design of property for a public or private elementary or secondary school, an open-enrollment charter school, or an institution of higher education.

(h) Defines "governing body of a school or institution of higher education" to mean, in this section:

(1) the board of trustees of the school district in which a public elementary or secondary school is located;

(2) the governing body of a private elementary or secondary school;

(3) the governing body of an open-enrollment charter school; or

(4) the governing board of an institution of higher education.

SECTION 3. Effective date: September 1, 2015.