

BILL ANALYSIS

Senate Research Center
87R3780 DRS-F

S.B. 1274
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Transportation
3/26/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

ISSUE

The Texas Department of Transportation (TxDOT) performs more than 35,000 roadway maintenance activities each year. Lowering speed limits in maintenance work zones can significantly improve safety for both TxDOT crews and TxDOT contractors performing the important work of building and maintaining the state's highway system for the traveling public.

Current state law grants the Texas Transportation Commission (TTC) the authority to lower speed limits for work zones in future planned construction projects. However, the current law does not provide the authority and flexibility necessary to quickly lower speed limits in maintenance work zones daily and job by job.

Currently, because lowering speed limits on the state highway system requires TTC approval and TTC only meets once a month, the only tool available for speed restrictions in maintenance work zones are temporary advisory speed limit signs. These advisory signs are just that, advisory, and are not considered enforceable regulatory prima facie speed limits for law enforcement purposes.

Maintenance work zone activities may include routine roadway maintenance and damage repair with several projects for a single maintenance work crew each day scheduled in quick succession. Often, because of the quick and dynamic nature of these projects, maintenance work crews cannot use the same safety strategies and devices that can be used in long-term construction projects such as concrete barriers or water filled barrels or barriers.

PROPOSED STATUTORY CHANGE

Amend Subchapter H (Speed Restrictions), Chapter 545, Transportation Code, to allow TxDOT the ability to lower speed limits in maintenance work zones without TTC approval and adopt rules if necessary.

As proposed, S.B. 1274 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 to temporarily lower a prima facie speed limit for a highway or part of a highway 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 that a district engineer who temporarily lowers a speed limit under this section:

(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 district engineer determines that the maintenance activity has been completed and all equipment has been removed from the maintenance activity site, or the temporary speed limit expires under Subsection (f).

(e) Provides that a temporary speed limit established under this section is effective when the district engineer, 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 is effective until the 30th day after the date the limit becomes effective, and is prohibited from being extended unless established by TTC under Section 545.353 (Authority of Texas Transportation Commission to Alter Speed Limits).

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