



Highway Factors Attachment – Texas House Bill 1353

Andrews, TX

HWY22MH006

(8 pages)

AN ACT

relating to speed limits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.352(b), Transportation Code, as amended by Chapters 663 (H.B. 385), 739 (H.B. 1075), and 1346 (H.B. 676), Acts of the 76th Legislature, Regular Session, 1999, is reenacted and amended to read as follows:

(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:

(1) 30 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley;

(2) except as provided by Subdivision (4), 70 miles per hour [~~in daytime and 65 miles per hour in nighttime if the vehicle is a passenger car, motorcycle, passenger car or light truck towing a trailer bearing a vessel, as defined by Section 31.003, Parks and Wildlife Code, that is less than 26 feet in length, passenger car or light truck towing a trailer or semitrailer used primarily to transport a motorcycle, or passenger car or light truck towing a trailer or semitrailer designed and used primarily to transport dogs or livestock,~~] on a highway numbered by this state or the United States outside an urban district, including a farm-to-market or ranch-to-market road;

(3) except as provided by Subdivision (4), 60 miles

1 per hour [~~in daytime and 55 miles per hour in nighttime if the~~
2 ~~vehicle is a passenger car or motorcycle~~] on a highway that is
3 outside an urban district and not a highway numbered by this state
4 or the United States;

5 (4) [~~60 miles per hour outside an urban district if a~~
6 ~~speed limit for the vehicle is not otherwise specified by this~~
7 ~~section; or~~

8 [~~5~~] outside an urban district:

9 (A) 60 miles per hour if the vehicle is a school
10 bus that has passed a commercial motor vehicle inspection under
11 Section 548.201 and is on a highway numbered by the United States or
12 this state, including a farm-to-market road; or

13 (B) 50 miles per hour if the vehicle is a school
14 bus that:

15 (i) has not passed a commercial motor
16 vehicle inspection under Section 548.201; or

17 (ii) is traveling on a highway not numbered
18 by the United States or this state; [~~or~~

19 [~~(C) 60 miles per hour in daytime and 55 miles per~~
20 ~~hour in nighttime if the vehicle is a truck, other than a light~~
21 ~~truck, or if the vehicle is a truck tractor, trailer, or~~
22 ~~semitrailer, or a vehicle towing a trailer other than a trailer~~
23 ~~described by Subdivision (2), semitrailer, another motor vehicle or~~
24 ~~towable recreational vehicle,]~~

25 (5) on a beach, 15 miles per hour; or

26 (6) on a county road adjacent to a public beach, 15
27 miles per hour, if declared by the commissioners court of the

1 county.

2 SECTION 2. Section 545.352, Transportation Code, is amended
3 by adding Subsection (e) to read as follows:

4 (e) An entity that establishes or alters a speed limit under
5 this subchapter shall establish the same speed limit for daytime
6 and nighttime.

7 SECTION 3. Sections 545.353(d), (h), and (h-1),
8 Transportation Code, are amended to read as follows:

9 (d) Except as provided by Subsection (h-1) [~~(h)~~], the
10 commission may not:

11 (1) modify the rules established by Section
12 545.351(b);

13 (2) establish a speed limit of more than 75 [~~70~~] miles
14 per hour; or

15 (3) increase the speed limit for a vehicle described
16 by Section 545.352(b)(4) [~~545.352(b)(5)~~].

17 (h) Notwithstanding Section 545.352(b), the commission may
18 establish a speed limit of 75 miles per hour [~~in daytime~~] on a part
19 of the highway system if [+

20 [~~(1)~~] the commission determines that 75 miles per hour
21 [~~in daytime~~] is a reasonable and safe speed for that part of the
22 highway system[~~, and~~

23 [~~(2) that part of the highway is located in a county~~
24 ~~with a population density of less than 15 persons per square mile]~~.

25 (h-1) Notwithstanding Section 545.352(b), the commission
26 may establish a speed limit of 80 miles per hour [~~in daytime~~] on a
27 part of Interstate Highway 10 or Interstate Highway 20 in Crockett,

1 Culberson, Hudspeth, Jeff Davis, Kerr, Kimble, Pecos, Reeves,
2 Sutton, or Ward County if the commission determines that 80 miles
3 per hour [~~in daytime~~] is a reasonable and safe speed for that part
4 of the highway.

5 SECTION 4. Section 545.354(e), Transportation Code, is
6 amended to read as follows:

7 (e) The authority may not:

8 (1) alter the general rule established by Section
9 545.351(a); or

10 (2) establish a speed limit of more than 75 [~~70~~] miles
11 per hour.

12 SECTION 5. Section 545.355(e), Transportation Code, is
13 amended to read as follows:

14 (e) The commissioners court of a county with a population of
15 more than 2.8 million may establish from the results of an
16 engineering and traffic investigation a speed limit of not more
17 than 75 [~~70~~] miles per hour on any part of a highway of that county
18 that is a limited-access or controlled-access highway, regardless
19 of the location of the part of the highway.

20 SECTION 6. Sections 545.356(a) and (b), Transportation
21 Code, are amended to read as follows:

22 (a) The governing body of a municipality, for a highway or
23 part of a highway in the municipality, including a highway of the
24 state highway system, has the same authority to alter by ordinance
25 prima facie speed limits from the results of an engineering and
26 traffic investigation as the Texas Transportation Commission on an
27 officially designated or marked highway of the state highway

1 system. The governing body of a municipality may not modify the
2 rule established by Section 545.351(a) or establish a speed limit
3 of more than 75 [~~60~~] miles per hour.

4 (b) The governing body of a municipality, for a highway or
5 part of a highway in the municipality, including a highway of the
6 state highway system, has the same authority to alter prima facie
7 speed limits from the results of an engineering and traffic
8 investigation as the commission for an officially designated or
9 marked highway of the state highway system, when the highway or part
10 of the highway is under repair, construction, or maintenance. A
11 municipality may not modify the rule established by Section
12 545.351(a) or establish a speed limit of more than 75 [~~60~~] miles per
13 hour.

14 SECTION 7. Section 545.358, Transportation Code, is amended
15 to read as follows:

16 Sec. 545.358. AUTHORITY OF COMMANDING OFFICER OF UNITED
17 STATES MILITARY RESERVATION TO ALTER SPEED LIMITS. The commanding
18 officer of a United States military reservation, for a highway or
19 part of a highway in the military reservation, including a highway
20 of the state highway system, has the same authority by order to
21 alter prima facie speed limits from the results of an engineering
22 and traffic investigation as the Texas Transportation Commission
23 for an officially designated or marked highway of the state highway
24 system. A commanding officer may not modify the rule established by
25 Section 545.351(a) or establish a speed limit of more than 75 [~~60~~]
26 miles per hour.

27 SECTION 8. Section 545.362(a), Transportation Code, is

1 amended to read as follows:

2 (a) Subject to Subsection (c), the Texas Transportation
3 Commission may enter an order establishing prima facie speed limits
4 of not more than 75 [~~70~~] miles per hour applicable to all highways,
5 including a turnpike under the authority of the Texas Turnpike
6 Authority or a highway under the control of a municipality or
7 county. An order entered under this section does not have the
8 effect of increasing a speed limit on any highway.

9 SECTION 9. Section 545.353(i), Transportation Code, is
10 repealed.

11 SECTION 10. As soon as practicable after the effective date
12 of this Act, the Texas Department of Transportation shall conceal
13 or remove speed limit signs that do not comply with Section 545.352,
14 Transportation Code, as amended by this Act, and erect appropriate
15 signs.

16 SECTION 11. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1353 was passed by the House on April 18, 2011, by the following vote: Yeas 146, Nays 2, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1353 was passed by the Senate on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor