

BILL ANALYSIS

H.B. 3871
By: Krause
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that there is a lack of recourse on the denial of a school's request for a city, a county, or the state to consider prima facie speed limits on a highway or road near a school. H.B. 3871 seeks to address this issue by providing for an appeals process for these denied requests.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3871 amends the Transportation Code to expand the applicability of statutory provisions requiring the governing body of a municipality, the commissioners court of a county, or the Texas Transportation Commission on request to hold a public hearing at least once each calendar year to consider prima facie speed limits on certain highways or county roads near a public or private elementary or secondary school or an institution of higher education located in the municipality or county, as applicable, to include such highways and roads near an open-enrollment charter school located in the municipality or county. The bill clarifies that the request to hold such a hearing is made by the governing body of the applicable school or institution of higher education. The bill sets at 15 miles per hour the minimum speed limit that the commissioners court of a county may declare 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 after such a hearing.

H.B. 3871 prohibits the municipal governing body, the commissioners court, or the Texas Transportation Commission, as applicable, from rejecting a request for a prima facie speed limit by such a school or an institution of higher education without first making a written finding stating a reasonable basis for the rejection. The bill authorizes the governing body of the school or institution of higher education, not later than the 90th day after the date the written finding is made, to appeal a rejection of such a request to the district court of the county in which the school or institution is located and authorizes the court to grant the requested prima facie speed limit if the governing body shows by clear and convincing evidence that the rejection of the request was not based on accepted traffic management principles. The bill authorizes the governing body or a school or institution of higher education to consult with the Texas Department of Transportation, the commission, 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.

EFFECTIVE DATE

September 1, 2019.